

THE GUNPOWDER PLOT,
AND THE GUNPOWDER PLOTTERS.

ROEHAMPTON:

PRINTED BY JOHN GRIFFIN.

THE GUNPOWDER PLOT,
AND
THE GUNPOWDER PLOTTERS.

IN REPLY TO PROFESSOR GARDINER,
BY JOHN GERARD, S.J.

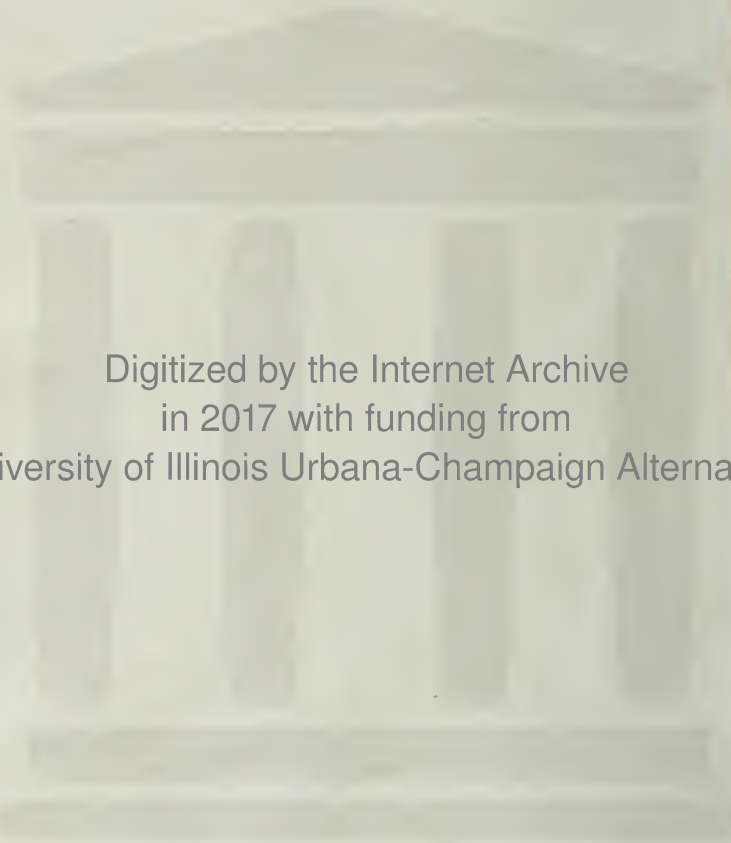
WITH FACSIMILES OF DOCUMENTS,
AND AN APPENDIX.

"Veritas temporis filia. Truth is the daughter of Time; and this will
appear especially in this case."

SIR EDWARD COKE, at the trial of the Gunpowder Conspirators.

LONDON AND NEW YORK:
HARPER & BROTHERS,
45, ALBEMARLE STREET, W.

1897.



Digitized by the Internet Archive
in 2017 with funding from
University of Illinois Urbana-Champaign Alternates

<https://archive.org/details/gunpowderplotgun00gera>

THE GUNPOWDER PLOT, AND THE GUNPOWDER PLOTTERS.

To question the traditional history of the Gunpowder Plot, as I have presumed to do,¹ is, I am fully sensible, a daring undertaking. For almost three hundred years that history has been in possession of the field, and whatever mutterings of unbelief may from time to time have been heard, its substantial truth has been accepted by historians, even by such as would naturally be most willing to find reason for calling it in question. It is acknowledged, indeed, that the projected crime cannot with any shadow of justice be imputed to the Catholics of England as a body, who neither lent it their countenance, nor even knew that it was in progress; but, at the same time, all the world has without hesitation endorsed the opinion expressed by Mr. Jardine:² "That a design had been formed to blow up the Parliament House, with the King, the Royal Family, the Lords and Commons, and that this design was formed by Catholic men, and for Catholic purposes, could never admit of controversy or concealment."³

Nor is it only that the story approves itself to the judgment of eminent writers of every school. Any attempt to impugn its truthfulness must of necessity be based upon the same evidence which has so long been held to establish it. From the very nature of the case, as an author of the last century has observed,³ it is practically impossible that any new light should now break upon us, directly to disclose what hitherto has been out of sight. No fresh documents have been discovered, or in all probability will ever be discovered, to put us in possession of new facts, or new evidence regarding old ones.

¹ *What was the Gunpowder Plot? The traditional story tested by original evidence.* London: Osgood, McIlvaine, and Co., 1896.

² *Criminal Trials*, ii. 3.

³ *Essay towards a new history of the Gunpowder Treason*, 1765.

All that can be done, if anything can, towards a better estimate of men and things, is, by analyzing the various elements of the tale, and comparing one with another, to seek reflex lights, which may assist us to discern what has hitherto been overlooked.

Under such conditions it was inevitable that when for the first time I seriously ventured to call in question such an item of our history, not merely as to its minor or accidental details, but as to its very essence, the attempt should be judged presumptuous and wanton; while it was scarcely possible that it should be manifestly justified by the result. If any traces are to be found of artifice and fraud, suggesting that the account we have been accustomed to believe does not represent the truth, but has been artfully framed to lead the minds of men in a different direction, these must, like tracks scattered in the sand, depend for their significance far more upon their mutual relations, as indicating a common starting-point or a common goal, than upon the precise information that can be gathered from any one in particular. It is quite possible that devoting special attention to all the complex details of evidence, and of the circumstances connected with it, one may satisfy himself that, broken and fragmentary as they are, the lines of argument which here and there he finds, undoubtedly converge towards a point quite different from that to which on accepted principles they should conduct him; and that at the same time he should be unable to weave them into a connected clue leading directly to that point, or to determine precisely what we should discover could we get there.

Such was the condition of the problem with which I found myself confronted. Having been led to look somewhat closely into the subject of the Gunpowder Plot, and having started my investigations with no idea whatever that, as to the main features of the story, there could possibly be anything new to learn, I was at first perplexed and presently impressed by the experience, that, wherever I turned, I was met by difficulties which had to be explained or explained away; whilst frequently, not to say as a rule, I failed to discover explanations which I could deem satisfactory. Weighty as some of the considerations thus suggesting themselves undoubtedly appeared to be, it was not so much their individual significance, as the cumulative effect of their common tendency—like the footprints all pointing towards the lion's den—which gradually produced a conviction

that the familiar story of the Plot, far from exhibiting the truth of the matter, was expressly designed to conceal it. From whatever side the question was approached, such doubts and difficulties offered themselves, and the more thickly, in proportion as any single line of argument was carefully followed out. The more I endeavoured to track the story to its source, the less satisfactory did it appear. Of the documents containing evidence regarding it, many, and those precisely the most important, must be accepted on faith, exhibiting as they do no such proofs of authenticity as we are accustomed to require. Others have undoubtedly been tampered with, and suggest grave doubts as to what those who so dealt with them may have been ready to do in other instances. The account given by the Government of its own position in regard of the whole transaction, is not only extremely hard to harmonize with evidence obtainable from other sources, but is contradicted by incidental admissions occasionally made by prominent members of the Government itself. The cardinal incidents of the story, upon which everything turns, are invariably shrouded in mystery, or are surrounded with such discrepancies of testimony as make it almost impossible to determine how they actually happened. Material and physical considerations must, with more or less of violence, be put aside, before we accept many points of the narrative. Those of the conspirators who were deepest in the design, and would have been the most valuable witnesses as to its real character, including all ever supposed to have been tools of the Government, died violent deaths, or deaths in which violence was suspected, without giving any evidence on the subject. The detection of the conspiracy had important political consequences, and entailed the pursuance of a system of intolerance towards the Catholics of England, which, as was universally supposed, the King's Chief Minister was most anxious to secure. To that Minister himself it undoubtedly brought a large increase of power and popularity, and it enabled him to remove from his path at least one rival—the Earl of Northumberland—against whom, as is well known, he had long been endeavouring to poison the mind of King James, but whom he had not as yet been able to deprive of influence.

Nor is it only considerations such as these which must thrust themselves upon an inquirer. Even the material incidents of the story, concerning which there might appear to be no

possibility of doubt, present, on no very profound scrutiny, problems so perplexing as to shake our confidence in the truthfulness of the narrative, of which they form an integral part. The episode of the mine, which the conspirators are said to have dug, is beset with difficulties. So likewise of the store of gunpowder they are said to have accumulated ; especially in view of the strange indifference exhibited by the Government, when, on their own acknowledgment, they had become aware of it. Even if we suppose, that all this powder had actually been placed where it is said to have been, and that it was fit for an explosion, it is exceedingly difficult to understand how Guy Faukes could have carried out his final operations at the critical moment upon which all depended.

What positive conclusion is to be deduced from these and similar considerations, who shall say? They furnish us, as I have acknowledged, with but broken and scattered threads, which we have not the means of piecing into a connected whole. But in my own mind they produce a conviction, which, though merely negative, is perfectly clear, that the truth regarding this transaction is not what we have been accustomed to suppose, and that immense pains have been taken to disguise the truth. Meeting in every direction with signs and symptoms of untruthfulness, I have been led to regard the authorized version of this history as "gangrened with fraud," and undeserving of the credit it has so long enjoyed.

To make such a view apparent to others, was of necessity no easy task. It was possible to exhibit, with more or less of fulness, the flaws discoverable in this or that particular of the traditional tale ; but, having no connected story of my own to tell, it was almost impossible to show their common bearing upon my subject, or to make them illustrate the central idea gradually evolved in my own mind, from their gradual recognition.

It was accordingly inevitable that exceptions should be taken to my line of argument, on grounds inseparable from the necessary limitations of its scope. My criticism, I have been told, is purely destructive, my treatment of the subject is fragmentary ; it is impossible to see what single conclusion I mean to draw from its various parts ; do I insinuate that there was no Plot at all? or that the Earl of Salisbury set it on foot? or that he was merely aware of it, and manipulated it for his own purposes? Till I have given a plain answer to such plain

questions, it appears to be commonly assumed, that I have nothing to say which is greatly to the point.

Such objections are not unnatural, and although I have endeavoured to show that they are somewhat irrelevant, they must undoubtedly suggest themselves to many minds, on account of what must seem the rather indefinite nature of the conclusions to which I saw my way. To exhibit the common drift of various and seemingly disconnected considerations, and to show that they lead to one result, is by no means an easy task. What is wanted is some definite issue of sufficient importance to warrant a definite and final conclusion. It was because I could find none that I felt myself compelled to be content with the course which I actually adopted.

Under such circumstances nothing could be more desirable than the intervention in the controversy of such an authority as Professor Gardiner, who has honoured my work with a formal and elaborate rejoinder.¹ If I am, as he pronounces, a novice, unversed in the methods of recent historical scholarship, he is beyond question a veteran, and the foremost representative of the new Oxford school. His practised eye may be confidently expected to discern, amid the apparent confusion of the battle-field, the true key of the situation, and to indicate upon what points assailants and defenders of the accepted story should alike concentrate their efforts, as upon success or failure there, must the whole result depend. If I am not greatly mistaken, he has done this effectually. [He indeed opposes me all along the line and, accepting the traditional history in its entirety, combats my arguments in detail.] But, at the same time, he shows, as I did not previously recognize, that there are certain points of the first importance, to which all our attention should be directed, and from a fuller treatment of which more satisfactory results may be hoped, than I had previously supposed to be attainable. To these I shall accordingly now confine myself, neglecting minor and subsidiary matters, upon which I might have something to say in reply to his criticism.² I must endeavour to the best of my power, to conform my practice to the approved methods of the Oxford School of History, and I

¹ *What Gunpowder Plot was.* By Samuel Rawson Gardiner, D.C.L., LL.D., Fellow of Merton College, Oxford. London: Longmans, 1897.

² Such points are dealt with in three articles contributed to *The Month* for September, October, and November, 1897, under the title, "The Problem of the Gunpowder Plot."

believe I am not mistaken in supposing that the first point to be attended to—as common sense itself suggests—regards our source of information, to the consideration of which I accordingly turn.

1.—The Fundamental Evidence.

Amongst the numerous documents which contain evidence concerning the Gunpowder Plot, I have described two as being of exceptional importance, namely, a Declaration of Guy Faukes, and a Confession of Thomas Winter, which alone amongst the mass of similar productions were selected for publication in the official history of the conspiracy, commonly known as the “King’s Book.”

To the claim which I have thus advanced on their behalf, Mr. Gardiner takes exception.¹ He considers it a mistake to describe them as furnishing the basis of the whole history originally narrated by the Government, and since generally accepted, and declares that if both of these depositions had been absolutely destroyed, though we should have missed some picturesque details assisting us better to understand what took place, we should still have been able to set forth the main features of the Plot precisely as we do now.

From such an account of the matter I must dissent. These published declarations, which differ from all others, made by the same individuals or their confederates, in giving a connected sketch of the conspiracy from first to last, furnish the thread upon which all the fragments of information found elsewhere have to be strung. Without them we should have no more than the *disjecta membra* of a story, which it would scarcely be in our power to combine into one whole. Nor would these diverse items of information, could they be woven together avail to produce the complete picture of the Plot with which we are familiar, (for these two published documents, not only serve as a bond of union for the rest, but are themselves the source whence most of our knowledge must be drawn.) But for them we should be almost wholly in the dark as to the first beginnings of the conspiracy, and likewise as to the course contemplated, after the great blow had been struck, while we should be entirely ignorant of a great deal else; of the wonderful mining operations, for example, which form so

¹ P. 51.

striking a feature of the tale, we should know nothing.¹ It is not too much to say, that were all information derived from these two depositions to be blotted out, the tale of the Powder Plot, as we are accustomed to read it, would disappear from our histories. As evidence of this, we need go no further than the instance furnished by Mr. Gardiner himself in his classical *History of England*, for in his account of the conspiracy the particulars which have been obtained from any other evidence than this would no more suffice for its construction, than would the shells embedded in limestone for the building of a house.

But although thus arguing against the special importance of these declarations, Mr. Gardiner's historical instinct makes him recognize it in practice to the full. I had expressed an opinion that neither of them can be accepted as authentic, and that they represent, not the genuine utterances of their reputed authors, but an account put into their mouths, which it was desired to present to the public under cover of their names. Mr. Gardiner not only repudiates such a supposition, but in so doing emphasizes the supreme and vital importance of these particular pieces of evidence, making it clearly appear that upon the conclusion established concerning them everything will turn. It will therefore be necessary to study them a good deal more closely than I have hitherto done.

And first as to the declaration of Guy Faukes. This, it is evident, was for some time upon the anvil, and did not at once assume the shape in which it ultimately saw the light. We meet with it first, under date of November 8th, in a document which I have termed the "draft" of another signed by Faukes on November 17th. To this description Mr. Gardiner objects, complaining that it begs the whole question; but this at least is clear—the document of the 8th is that of the 17th in the rough, for, with the exception of names of persons, there is nothing in the second which is not to be found in the first, while the earlier document contains much which was subse-

¹ The only word concerning the mine, for instance, to be found elsewhere occurs in Keyes' examination of November 30th [*G. P. B.* 126], wherein is found this clause, apparently added as an after-thought, "and helped [also] to work in the mine." This document is full of interlinear additions and alterations, and apparently is not signed by Keyes, though as we have no other specimen of his writing, it is not easy to be positive upon this point. It is witnessed by Popham, Coke, and Waad. A shorter version of the same examination [*Ibid.* 127], certainly not signed by Keyes, but witnessed, in addition to the above, by Nottingham, Worcester, Devonshire, Northampton, and Salisbury, makes no mention of the mine.

quently omitted, and has evidently been carefully edited to get it into proper shape.

My belief is, that the so-called deposition of the 8th is not a deposition at all, but the substance of one, which it was intended afterwards to procure. One reason which I adduced for this opinion must, I fear, have been inadequately expressed, for Mr. Gardiner does not seem to have caught its drift. Faukes cannot, it seems to me, have said all the things attributed to him, some of those at first set down, and afterwards struck out, being quite incompatible with what was substituted for them. From this I inferred that those who prepared the account he was to give, were feeling their way, and trying which of various stories would best suit their purpose. [It cannot, for example, have been true, and we can scarcely imagine Faukes to have said, both that the conspirators intended at once to avow and justify their action, and had a proclamation ready drawn for that purpose—and, likewise, that they had determined not to avow it, until they found themselves in possession of force sufficient to make head against their enemies. Yet the first of these statements having been originally set down, was crossed out, and the second added instead. In the finished version, of the 17th, the substance of the latter was adopted, but into it was skilfully woven a modified item of the first, for we are told that while the plotters were resolved not to let it be known that they had done the great deed, till they felt themselves secure, they had a *project* of a proclamation ready, to be issued when this should have come about, taking all upon themselves.¹ Such

¹ I subjoin the full text of the passages in question, printing in italics what was crossed out.

November 8th. "He confesseth that it was resolved amongst them, that the same day that this detestable act should have been performed, the same day should other of their confederacy have surprised the person of the Lady Elizabeth, and presently have proclaimed her Queen *to which purpose a proclamation was drawn, as well to avow and justify the action, as to have protested against the union, and in no sort to have meddled with religion therein.* And would have protested also against all *strangers* and this proclamation should have been made in the name of the Lady Elizabeth."

"He confesseth that, if their purpose had taken effect, until they had power enough they would not have avowed the deed to be theirs; but if their power—for their defence and safety—had been sufficient, they themselves would have taken it upon them."

November 17th. "It was further resolved amongst us that, the same day that this action should have been performed, some other of our confederates should have surprised the person of the Lady Elizabeth, the King's eldest daughter, who was kept in Warwickshire at the Lord Harington's house, and presently have proclaimed

traces of artificial manufacture, in the case of a document made to play so conspicuous a part in the diffusion of the official story, are certainly not calculated to inspire confidence.

It may also be remarked, that the programme finally attributed to the conspirators, although upon paper it might serve well enough, and might countenance the idea that there were many throughout the country upon whom they might count, could scarcely have presented itself as practicable, even to the Gunpowder plotters, utterly devoid of common sense as all their reported actions show them to have been. They were to blow up a Parliament House, with King and Queen, princes and foreign ambassadors, Lords and Commons, and all the flower of the State; at the same moment, they were to seize and carry off the Princess Elizabeth, the King's eldest daughter, and proclaim this child Queen of Britain; they were to raise the standard of revolt against all that was left of constituted authority, inviting to it all who were dissatisfied with the existing state of things;—and meanwhile nobody was to know that there was any connection between the catastrophe in London and the simultaneous rebellion, or to suspect that those who selected that precise moment to take the field and launch a policy, had anything to do with the wholesale removal of their most formidable antagonists, or knew that the throne would just then be vacant. Is it conceivable that Guy Faukes should have described such a project, unless it had been actually entertained? or that it should have been entertained as a practical possibility by any mortal that ever lived?

But here, again, we obtain fresh light from Mr. Gardiner, who contends that the declaration is genuine, and that from its earlier form it can be proved to be so.

Curiously enough [he writes],¹ one of the crossed out passages supplies evidence that the document is a genuine one. [It] contains an intimation that the conspirators did not intend to rely only on a Catholic rising. They expected to have on their side Protestants who disliked the union with Scotland, and were ready to protest "against all strangers," that is to say, against all Scots. We can readily understand that Privy Councillors, knowing as they did the line taken by the

her for Queen, having a project of a proclamation ready for the purpose, wherein we made no mention of altering of religion, nor would have avowed the deed to be ours until we should have had power enough to make our party good, and then we should have avowed both."

¹ P. 38.

King in the matter of the Union, would be unwilling to spread information of there being in England a Protestant party opposed to the Union, not only of sufficient importance to be worth gaining, but so exasperated that even these Gunpowder plotters could think it possible to win them to their side. Nor is this all. If it is difficult to conceive that the Commissioners could have allowed such a paragraph to go abroad, it is at least equally difficult to think of their inventing it. We may be sure that if Fawkes had not made the statement, no one of the examiners would ever have committed it to paper at all; and if the document is genuine in this respect, why is it not to be held genuine from beginning to end?

On arguments of this nature it appears dangerous to build too much. It is very easy to imagine motives and purposes for the statesmen of three centuries ago, but how are we to assure ourselves that these were the true ones? Such a view of the subject as Mr. Gardiner has set forth is doubtless a possible one; but it is also not impossible that the idea suggested itself of utilizing the Gunpowder Plot against the opponents of the King's favourite scheme of Union, by making them bear some of the odium. And while speculations of this kind seem to be somewhat futile, a consideration of more solid character is suggested, which forbids the belief that Faukes ever made any such statement as we have heard. The King's Council, Mr. Gardiner tells us, would be unwilling to spread information as to the strength and sentiments of the anti-Unionists; but they must have been extremely anxious to obtain it. Had Faukes really made such a disclosure, it must have become for his examiners a point of prime importance to ascertain how far the conspirators had dealt with or sounded the members of the anti-Union party, and to what extent their anticipations of support were justified by facts. But of this most important matter we hear nothing whatever in any examination either of Faukes himself or his associates. Save in this one crossed-out passage no mention of it occurs.

There is another point in connection with the declaration which it is more to our purpose to notice. Although the earlier version is headed "The Confession of Guy Fawkes, taken the 8 of November, 1605," it bears no internal tokens of being a confession at all. It is unsigned, even in copy, and although a list of witnesses is appended, this obviously is not copied from their own signatures, for none of them are given in the form which their owners would have used, peers and

officials being designated by their offices or dignities, which others would employ to describe them, but not themselves. Thus, the list commences with the "Lord Admiral," "Lord Chamberlain," and "Earl of Devonshire," and terminates with the "Lord Chief Justice" and "Mr. Attorney General."¹

As we find that when Faukes put his name to the finished version of the declaration, on November 17th, Sir Edward Coke, and Waad, the Lieutenant of the Tower, alone witnessed it, but that when it came to be printed, the signatures of all the persons designated on the "draft" appeared as those of witnesses—it seems not unnatural to infer that just as the body of the earlier document was meant to indicate what Faukes was to be induced to say for the benefit of the public, so the list appended was meant to indicate the individuals under the shadow of whose great names his testimony was to go forth.

But there is something even more worthy of notice. An English, or Welsh, exile, in the service of the Archdukes in Flanders, by name Hugh Owen, had for various reasons become most especially obnoxious to the English Government, who were exceedingly anxious to implicate him in the Plot, that they might thus be enabled to demand his extradition and get him into their hands.² How keen was their anxiety, is evidenced by the instructions sent by Salisbury to Sir Edward Coke, the Attorney General, for his conduct of the conspirators' trial, which concluded with the admonition: "You must remember to lay Owen as foul in this as you may."³ During the period between the 8th and 17th of November,

¹ Mr. Gardiner, who denies the inference I have drawn from the form in which the witnesses' names first appear, writes as follows:

"As for the titles Lord Admiral and Lord Chamberlain being used instead of their signatures, it was in accordance with official usage. A letter written, on January 21, 1604-5, by the Council to the Judges, bears nineteen names at the foot in the place where signatures are ordinarily found. The first six names are given thus: 'L. Chancellor, L. Treasurer, L. Admiral, L. Chamberlain, E. of Northumberland, E. of Worcester.'" (p. 40.)

I cannot pretend to such acquaintance as Professor Gardiner's with the official papers of the time, but he has selected a very unfortunate example. Nothing could, in fact, be more unlike the case it is intended to illustrate. It is headed "*Copy of the LL.'s letter to the Judges*," and at the foot we find "*Signed by the L. Chancellor*," &c. Nothing could be plainer or more intelligible, nor could anything less resemble what we find in Faukes' confession.

² Owen acted as a kind of agent general on the Continent for English Catholics, and from him, could he have been secured, much information might probably have been extorted.

³ *Don. James I.* xix. 94.

when the confession was in preparation, we learn from a letter written by the Earl of Salisbury to Sir Thomas Edmondes, English Ambassador at Brussels,¹ that it was expected to obtain from Faukes such evidence against Owen as was wanted. This, however, he clearly would not give, for amongst the statements which he finally subscribed there is no mention of Owen's name. The Government accordingly fabricated a clause to the required effect, which they inserted, very skilfully, in the printed version of the declaration given to the world.²

Still more interesting and instructive are the questions which connect themselves with the companion document, *Thomas Winter's confession*. The objection which I previously alleged against its authenticity, based upon a contradiction respecting its date, though I cannot think that it is wholly without force, I now find to be of far less weight than I had supposed, and I must acknowledge its insufficiency for such a purpose. On the other hand, Mr. Gardiner, having, in part at least, eliminated the above difficulty, proceeds to draw out with great force the vital importance of this confession, and has made me see, as I never did before, how much hangs upon it.

More even than the companion deposition of Faukes, this of Winter is the backbone of the entire traditional story. It gives a complete and intelligible account of the whole course of the conspiracy, from its first conception to its final collapse when the plotters attempted to make a last stand at Holbeche House. It furnishes much information that is not to be found anywhere else, and very much which is to be found nowhere else except in the published narrative of Faukes; and upon it, as on a trunk or stem, the details supplied by other documents may be grafted. If this narrative be Winter's genuine work, it must undoubtedly be admitted that everything happened as we have been accustomed to believe—that the conspirators devised their scheme, and swore one another to execute it, and dug their mine, and stored their powder, and made effective arrangements for the final catastrophe, exactly as historians tell us; and, although it would still remain uncertain how far the

¹ Nov. 14. *Stowe MSS.* 168, 54.

² The following is the passage thus falsified, the portion here printed in italics being that interpolated.

"About Easter, the Parliament being prorogued till October next, we dispersed ourselves; and I returned into the Low Countries, *by advice and direction of the rest, as well to acquaint Owen with the particulars of the Plot, as also lest by my longer stay I might have grown suspicious, and so have come in question.*"

Government were aware of their doings, the establishment of so much as true, which I have argued to be false, must unquestionably shake to its foundations the whole structure I have attempted to raise.

Nor is it only that Professor Gardiner thus brings out the supreme importance of this document. He likewise exhibits with singular force the considerations which appear to indicate its genuine character. Having printed the confession in full,¹ from the copy in the Record Office, he proceeds to point out the internal marks of authenticity which it bears.

I have printed this interesting statement in full [he writes], because it is the only way in which I can convey to my readers the sense of spontaneity which pervades it from beginning to end. To me, at least, it seems incredible that it was either written to order, or copied from a paper drawn up by some agent of the Government. Nor is it to be forgotten that if there was one thing the Government was anxious to secure, it was evidence against the priests, and that no such evidence can be extracted from this confession. What is, perhaps, still more to the point is, that no candid person can, I imagine, arise from the perusal of these sentences without having his estimate of the character of the conspirators raised. There is no conscious assumption of high qualities, but each touch as it comes strengthens the belief that the men concerned in the Plot were patient and loyal, brave beyond the limits of ordinary bravery, and utterly without selfish aims. Could this result have been attained by a confession written to order or dictated by Salisbury or his agents, to whom the plotters were murderous villains of the basest kind?

Mr. Gardiner elsewhere² draws attention to the fact, that the confession was pruned before publication, passages being omitted in which Lord Monteagle's name occurred, in pursuance of the policy constantly adopted of disguising the fact that this nobleman, who played so conspicuous a part in the discovery of the treason, had been on terms of intimacy with the traitors. Does it not seem obvious that, if officially composed expressly to be published, it would have required no such curtailment?

No other portion of Mr. Gardiner's argument appears to me so forcible as this, and I must own that he has convinced me that if Winter's confession is to stand, the substantial truth of the old story is sufficiently vindicated. But if, on the other

¹ P. 57.

² P. 56.

hand, this crucial position be turned, it is equally clear that the traditional tale will sustain a blow striking at its very root.

For my own part, forcible as Mr. Gardiner's arguments appear, and deserving of all consideration as they undoubtedly are, I cannot think that they avail to establish the authenticity of the confession. To say nothing of the difficulty about the date, which, as we shall see, is by no means abolished, there are others of a still graver character which an examination of the document reveals, even in its published form. These are severally cogent enough, and taking them in conjunction, it is not easy to believe that the confession is what it professes to be.

Before we proceed to consider them, it is needful to remember, that in dealing with documents such as this, too much reliance should not be placed upon the internal evidence of spontaneity and simplicity which they appear to exhibit. Grave and even shocking as such an accusation must appear, we have undeniable proof that the statesmen of the period had the means at their command, of investing fiction with an air of absolute truth, and did not hesitate to use them. It is certain that, upon occasion, the writing of prisoners or suspected persons was so artfully imitated as to deceive those best acquainted with it. This was done in the case of Father Garnet, whose very peculiar hand was copied so skilfully as to be accepted for his by his most frequent correspondents, theirs being in like manner reproduced so as to delude him.¹ It is even more important to remember that the Government's agents could do what was still more difficult, and throw an air of ingenuousness and simplicity over a carefully concocted tale. On this point I need do no more than quote Mr. Jardine's remarks upon the history of the Gunpowder Plot itself.²

No doubt [he writes] the story which it cost so much pains to distribute, was the result of corresponding care in the manufacture. The same skilful artificer, who had been employed to shape the stories of the treasons of Lopez and the Earl of Essex in Queen Elizabeth's time to suit the objects of the State, was still in the service of the Government; the same statesman, who directed Bacon to prune the

¹ See the similar case of the correspondence between Phelippes and Owen. (*What was the Gunpowder Plot?* p. 112.)

² *Criminal Trials*, ii. 4. He inclines to the belief that Bacon was the instrument employed in this as in previous cases.

depositions and pervert the facts on the latter of these occasions, was still an active minister of the Crown. . . . The whole scheme of the *Discourse* [the "King's Book"] is the same as that of the *Declaration of the Earl of Essex's Treasons*, viz., to surround fiction by undoubted truths with such apparent simplicity and carelessness, but in fact with such consummate art and depth of design, that the reader is beguiled into an unsuspecting belief of the whole narration. The fidelity of the story is in both cases vouched by the introduction of depositions and documents which might be garbled at the discretion of the writer, without fear of detection, as the originals were in his power, but which give an air of candour and authenticity, and thus complete the deception.

Mr. Jardine continues, with special reference to our present point :

Of several hundreds of examinations which were taken, two only were published in this narrative, namely, a Declaration of Guy Fawkes and a Confession of Thomas Winter. That both of these were carefully settled and prepared for the purpose of publication is not only highly probable from a comparison of them with the other statements of the same individuals, which are still extant, but is demonstrated as a fact by the interlineations and alterations observable upon the originals.

Were a narrative artificially produced in the manner thus described, it might be expected to contain much that really emanated from the person to whose authorship it was assigned, and it is quite conceivable that the literary expert to whom its preparation was entrusted might include various genuine disclosures which his employers afterwards saw reason to withhold.

It is clear, as I fully acknowledge, that suggestions of this nature ought not to be made unless solid reasons can be adduced in their support, but I believe that in this instance such reasons are to be found.

In the first place, a consideration at once presents itself which, if it stood alone, would not perhaps appear serious, but in conjunction with others is certainly not devoid of significance. The production of Winter's confession was, for the Government's purposes, most singularly opportune. It made its appearance just at the moment when it was wanted, when the "King's Book" was in preparation, containing the authorized version of the story for the instruction of the world, and original testimony substantiating this version was invaluable. So timely, indeed, was it, that the author of the book was induced to insert a special note concerning it.

And in regard [we read] that before this Discovery could be ready to go to the press, Thomas Winter, being apprehended and brought to the Tower, made a confession, in substance agreeing with this of Fawkes's [of November 17], only larger in some circumstances, I have thought good to insert the same likewise in this place, for the further clearing of the matter and greater benefit of the reader.

It was certainly a singular coincidence that Winter should be moved, at this precise moment, to compose a flowing narrative, utterly unlike the ordinary run of depositions, but eminently suited for publication, corroborating Faukes in particulars which neither of them, nor any of their fellows; thought of mentioning on any other occasion; nay, that his relation should "agree with this of Faukes" so closely as to include the statement concerning Owen, which Faukes never made, but the Government fabricated, and should even make it larger in some important circumstances. Indeed, Winter himself would appear to have thought it necessary to explain his adoption of so unusual a course, for his narrative is prefaced by a rather elaborate exposition of the motives inducing him to undertake it.

Turning to consider the confession itself, we cannot but observe, as I have before noticed, that there is some mystery about its date. The copy in the Record Office,¹ which is in the writing of Levinus Munck, Salisbury's secretary, is dated November 23rd. The original, at Hatfield, has the same date first written, and then altered to November 25th. This is witnessed² by Sir E. Coke alone, but the copy has appended to it, in Salisbury's hand, "Taken before us—Nottingham, Suffolk, Northampton, Salisbury, Mar, Dunbar, Popham, Edw. Coke, W. Waad," and these names duly appear as those of witnesses in the printed version.

Mr. Gardiner gets rid of these difficulties in a manner which, I observe, is singled out by some critics as a brilliant example of historical argumentation, being even styled "convincing." I take the liberty of indicating by italics how large a part the use of the potential mood is made to play in his demonstration.³

Winter, I suppose, writes it on the 23rd, and it is then witnessed by Coke alone. Though no copy with the autograph signatures of the Commissioners exists, *it is reasonable to suppose* that one was made, in

¹ G. P. B. 114.

² As will be seen presently, it cannot really be said to be witnessed even by him.

³ P. 56.

which a passage about Monteagle—whom the Government did not wish to connect with the Plot except as a discoverer—was omitted, and that this, still bearing the date of the 23rd, *may have been* brought before the Commissioners on the 25th. They *would thus receive* a statement from Winter that it was his own, and the signatures of the Commissioners *would then be appended* to it, together with those of Coke and Waad. This then *would be the document* from which *copies would be taken* for the use of individual Commissioners, and *we can thus account* for Salisbury's having appended to his own copy: "Taken before us, etc." The recognition before the Commissioners *would become* the official date, and Coke, having access to the original changes that on which it was written to that on which it was signed by the Commissioners.

It seems scarcely necessary for Mr. Gardiner to add: "This explanation is merely put forward as a possible one." He goes on, however, to assume that it is a good deal more, speaking of Winter's confession as "having been thus vindicated."

Mr. Gardiner considers that the all-important point is to show that the change of date was made by Coke; but, for my part, I find it difficult to believe, either that Coke would have made such alteration without some motive, or that Salisbury would have written out for his own information the names of his brother Commissioners with whom he was acting every day, or that the existence of a copy with the witnesses' names, of which no trace is to be found, can be established merely by the requirements of Mr. Gardiner's argument. To me it seems plain that Levinus Munck's copy was that prepared for the press, a phrase in it having been dutifully altered in accordance with a marginal note by the King, and that if Salisbury took the trouble to add the witnesses' names, it was because there was no document from which they might be copied.

There are other difficulties, necessarily of a negative character, which appear considerably graver. Winter wrote his confession, we will assume with Mr. Gardiner, on November 23rd. On the 25th he was undoubtedly examined by the Commissioners,¹ and in this examination dealt with some few of the matters spoken of in the confession; but he made no allusion to the confession itself, nor to the much fuller information it contained. On December 5th he was again examined,² and referred to the examination of November 25th, but not to the confession of the 23rd [or 25th]. Neither did he allude to

¹ G. P. B. 116.

² *Ibid.* 146.

this when examined on January 9th and 17th, nor upon any of these subsequent occasions say anything about the mine and other important matters of which in the said confession he so freely discoursed.

There is another circumstance still more curious. In the confession we of course encounter Hugh Owen, the stormy petrel of our history, the appearance of whose name is soon found to be ominous of perplexity. Winter is made to declare in the most ample manner that Owen was thoroughly committed to the worst part of the treason, that Faukes was sent to the Low Countries to acquaint him with the conspirators' proceedings, and did so; and that Owen "seemed well pleased with the business." As the English Government undoubtedly desired above all things to incriminate Owen, we might certainly expect to hear more of this important admission; but we find no word concerning it in any of Winter's examinations. Nor only this. In April, 1606, Sir Edward Coke, moving for Owen's attainder before Parliament, among the proofs which he adduced in support of his application, did *not* adduce this, which would certainly have been far more to the purpose than those actually offered. The omission is the more remarkable, as Coke cited upon the occasion from an earlier portion of Winter's same confession, the comparatively trivial statement that Owen had introduced Winter to Faukes, a twelvemonth before he was alleged to have heard of the conspiracy. I do not think that it is unfair to conclude that while the evidence thus brought forward represents something actually said by Winter, it was thought better not to expose to close scrutiny the other portion, which in itself would have been far more conclusive. Certainly, Coke was not the man to neglect, without good reason, a valuable instrument ready to his hand; but, at the same time, it appears that Parliament—the House of Lords in particular—was more sceptical than other folk, and less inclined to accept on faith assertions roundly made by official personages.

I must here remark that, as Mr. Jardine points out,¹ there is no proof that Winter's confession was produced as evidence in court, so as to come to his own knowledge. He considers, indeed, that it was probably so used, since the facts it contains were frequently referred to in the harangue of the Attorney General. But he tells us elsewhere² that the report transmitted to us even of this "dull and tedious speech," cannot be accepted

¹ *Criminal Trials*, ii. 147, note.

² *Ibid.* 112.

as evidence of what was actually said on the occasion. Like the rest of the account of the trial, it was evidently prepared for the press in the form in which it was thought most beneficial for people to read it, as bearing out the story furnished for them with so much solicitude in the "King's Book." There are Mr. Jardine continues, anachronisms discernible which show that Coke's speech, as we have it, must have been composed at a date subsequent to the trial.¹

Not even as regards the internal evidence are difficulties altogether wanting. It is not only passages in which Monteagle is mentioned that are omitted. Amongst other things, the terms of the oath said to have been taken by the conspirators, which are given in the original,² and in no other document emanating from the prisoners, are suppressed in the copy and in the published version. This oath was afterwards made much of, being reproduced *verbatim* more frequently than any other piece connected with the Plot, excepting only the warning letter addressed to Monteagle. It is certainly strange that it was not printed whilst those said to have taken it were alive. Another point regards the brothers John and Christopher Wright. In his confession, Winter says, speaking of the catastrophe at Holbeche: "The next shot was the elder Wright stone dead,"³ after him the younger Mr. Wright." We know, however, on the authority of Sir Edward Leigh, that neither of the brothers was struck stone dead. They were both alive on the following day, November 9th, and not till the 13th was their death reported to the Council by the Sheriff, Sir Richard Walsh. They were amongst the earliest conspirators, and presumably knew much as to the history of the enterprise. Some contemporaries undoubtedly suspected that those so circumstanced might, had opportunity been given, have made inconvenient disclosures, and it is somewhat suspicious to find this assurance put forth, that they had no time to say anything. Winter, who was in their company, can hardly have been ignorant of the facts of the case.

So strong a presumption against the authenticity of Winter's confession did such considerations appear to furnish, as to convince me that, if inferences are worth anything, the document could not be genuine. But after the publication of

¹ The notes of Coke's speech in John Hawarde's *Reportes del Cases in Camera Stellata*, make no mention of any topic traceable to Winter's confession.

² They are given as a marginal addition.

³ In the copy, "struck dead."

Mr. Gardiner's book, I felt that the matter could not be allowed to rest there, and must be probed to the bottom, by examination of the original confession preserved at Hatfield. I accordingly obtained permission from the Marquis of Salisbury to inspect it, and the result has been to furnish what appears to me, and I think will appear to every man, convincing proof that the confession is nothing else but a forgery.

In the first place, however, it plainly appears that the particular record of the date at the head of this original, upon the alteration of which—from November 23rd to 25th—I had laid stress, can claim little importance, being merely an official note by way of memorandum. The alteration, as Mr. Gunton, Lord Salisbury's librarian, has suggested, was probably made by Sir Edward Coke, whose reason for making it we have seen conjecturally explained by Mr. Gardiner. What is certain is, that Coke adopts the later date, both in the heading he has prefixed to the document,¹ and in a most important note which he has appended to it, this being all there is in the way of attestation, for no names of witnesses appear. The note in question runs thus :

Delivered by Thomas Wynter, all written with his own hand,
25th November, 1605,—EDW. COKE.

And here we touch the root of the matter. Was the confession indeed written, as Coke declares, by Thomas Winter with his own hand? If so, inferences notwithstanding, it seems impossible to deny its authenticity.

But, I suppose, it will hardly be maintained that this all-important question is settled beyond possibility of doubt by a certificate from Sir Edward Coke ; although his formal statement undoubtedly proves, that if the confession was not actually penned by Winter, it is a fraudulent production. Turning from Coke's guarantee to the document itself for which he vouches, I find it impossible to believe that Winter wrote it ; and although the writing certainly resembles his very closely, far from establishing its authenticity, it is precisely this circumstance which most effectually condemns it.

Of Thomas Winter's handwriting there are several specimens in the Public Record Office, belonging to various periods of his career. From these we can see that, in his normal condition, he wrote an exceedingly good and scholarly hand, which is exhibited in four letters written previously to the Gunpowder

¹ "The voluntarie declaration of Thomas Winter of Hoodington in the county of Worcester, gent., the 25th of Nov. 1605, at the Tower."

Plot troubles, all addressed to John Grant, his brother-in-law and fellow conspirator.¹ Two of these I reproduce in facsimile. But when he was captured at Holbeche House, November 8th, Winter was not only hurt, as he himself relates, "in the belly with a pike," but, as Mr. Gardiner reminds us, got a bullet through his right shoulder. The result of these injuries was, apparently, to disable him for a time from writing at all. An examination of his, taken on November 12th, is unsigned.² On the 21st, Sir William Waad, Lieutenant of the Tower, wrote to Salisbury.³ "Thomas Winter doth find his hand so strong, as after dinner he will settle himself to write that he hath verbally declared to your lordship, adding what he shall remember." From this it appears that at this date he was only recovering his power of using a pen, and although he then proposed to write something in the way of a statement, there is clear evidence that he was still quite incapable of either composing or transcribing a lengthy narrative.⁴ This is proved by his signature affixed to the record of the examination which he underwent upon November 25th,⁵ the very day upon which as Coke certifies, he wrote the confession, and still more evidently by a short holograph note of half-a-dozen lines addressed, upon the same day, to the Lords Commissioners.⁶ From these, while the hand is undoubtedly Winter's, it is obvious that he wrote with none of his former facility and elegance, but with pain and labour, finding even six lines no easy task; and, moreover, that he was in no condition to indulge in graces of style or diction, and could only attempt to express his meaning in the simplest fashion.

But the original confession, written, as Sir Edward Coke declares, on the very same day, occupies ten folio pages, well written from beginning to end, and, still more extraordinary, in a hand extremely like that of Winter before he received his wounds.

Here is the fatal flaw in a piece of work which otherwise might almost defy suspicion. The writing is undoubtedly marvellously like Winter's,—but Winter's at another period; and it is altogether unlike the undoubted specimens we have of what he could do with his wounded arm, upon the very same day on which the confession is said to have been written.

¹ December 4th, 1603; January (or thereabout), 1604-5; February 22nd, 1604-5; August 31st, 1605. The last is signed with initials only.

² *Dom. James I.* xvi. 59.

³ *Brit. Mus. Add. MSS.* 6178, 84.

⁴ *G. P. B.* 116.

⁵ *Ibid.* 117. Both of these I reproduce.

The style, moreover, is as remarkable as the handwriting, being that of a fluent and practised writer, rolling out his periods with a facility of which in his best days Winter has left no proof.¹

From the undoubted specimens of his writing on the 25th of November which we possess, it appears absolutely impossible that upon that day Winter can have produced such a document, and the difficulty is by no means obviated if we suppose, in spite of Coke's testimony, that it was written, as the official copy declares, two days earlier—on the 23rd; for at this date Winter's injuries were still more recent.

But there is another thing which is even more extraordinary. The original confession is signed "Thomas Winter," a form of his name which the supposed writer never used, in any one of his signatures with which we are acquainted. The Government, indeed, always called him "Winter," or "Wynter,"² but he invariably wrote his name "Wintour," as may be seen, besides the five instances already referred to, in his three subsequent examinations.³ It can hardly be supposed that he forgot the spelling of his own name, upon the very day in which he twice wrote it in his accustomed form, for he was no illiterate or half educated man, but a good scholar and linguist, being even described by Coke as "universally learned."⁴

Nor was it he alone who adopted the form "Wintour," which seems to have been exclusively employed by his two brothers, Robert and John, as may be seen in all their signatures now to be found.⁵

¹ The opening paragraph may serve as a specimen :

"Not out of hope to obtain pardon, for—speaking of my temporal part—I may say the fault is greater than can be forgiven, nor affecting hereby the title of a good subject, for I must redeem my country from as great a danger as I have hazarded the bringing her into, before I can purchase any such opinion; only, at your Honours' command, I will briefly set down mine own accusation, which I shall the faithfuller do since I see such courses are not pleasing to Almighty God; and that all, or the most material parts, have been already confessed."

There is, however, a remarkable dissimilarity of style observable, the earlier portions of the confession being in keeping with the above, while others, especially those regarding the Monteagle episode, are in quite another, and far inferior, manner.

² In consequence of this, "Winter" has become the accepted form in all histories, and I have therefore retained it.

³ Viz. : December 5th, *G. P. B.* 146; January 9th, *Ibid.* 164; January 17th, *Ibid.* 170.

⁴ "Winter and Fauxe are men of excellent good naturall parts, verye resolute, and universallye learned." (*Apud Hawarde, Reportes.*)

⁵ For Robert, see *Dom. James I.* xiii. 32, xiv. 33, xviii. 44; *G. P. B.* 168 and 176. For John, *G. P. B.* 109.

It must undoubtedly appear almost incredible that such a blunder should be committed in a document upon which, if it be a fabrication, so much laborious care was evidently expended. But there it is, whether it were Winter that made it or some one else. Improbable as it may appear that a copyist should fall into such an error, it is still less likely that he himself should have done so; and unless he did so, a gross fraud has unquestionably been perpetrated. Written in a style of which at the time he is seen to have been physically incapable, and in the handwriting which had once been his, but was so no longer, and signed with his name in a form which he and others of his family are never known to have used, the confession attributed to Winter must, I think, stand self-condemned. Upon this point, however, my readers have it in their power to judge for themselves, for, through the courtesy of Lord Salisbury, I am enabled to lay before them a substantial specimen of the Hatfield confession, to be compared with the others which I have reproduced. It does not appear surprising that such a document should have been relegated to the comparative obscurity of the Chief Minister's private archives.¹

But if this fundamental document be fraudulent, what becomes of the official history of the Gunpowder Plot? It is not merely that the story falls to pieces for want of the bond which has hitherto seemed to co-ordinate its various parts. If the Government adopted such a device as the manufacture of evidence like this, they undeniably had an end in view which only falsehood could secure, and deliberately set themselves to impose a perversion of history upon the world, and by so doing have furnished against themselves evidence more damning than any other could possibly supply.

It will be seen that in regard of attestation, there is a remarkable similarity between these confessions of Winter and Faukes. Winter's was witnessed by Coke alone, if it can be said to have been witnessed by him; but, in print, the names of witnesses were added, from the list supplied by Salisbury upon his secretary's copy. Faukes signed his deposition in presence

¹ It is, I think, not unworthy of notice, that in Levinus Munck's official copy, and the printed version taken from this, the name of the signatory is entirely omitted. The original concludes, "And so I remain your Honors poor humble and penitent prisoner, Thomas Winter." In the copy, this becomes, "And so I remain yours, &c." [no name added]. I may here remark that the Hatfield confession appears to have been very carelessly copied in the versions generally known. Thus a puzzling phrase which is always given as "you shall be one," is undoubtedly, "you shall goe over."

only of two minor officials; but was furnished in print with the list drawn out nine days before he put his hand to the declaration.

A difficulty here at once presents itself upon which Mr. Gardiner strongly insists.¹ Can it be seriously supposed, he asks, that the Lords Commissioners, and others, allowed their names to be misused in such a fashion, without ever protesting against the fraud in which they were made to co-operate? Some of them, as the Earls of Worcester and Northampton, were professedly Catholics. The majority had no great love for the King's Secretary of State, the Earl of Salisbury, and no wish to see him increase his power and influence, which already they found irksome. Are they likely to have lent themselves to dishonourable and iniquitous practices, merely that he should carry out his schemes?

Though there is undoubtedly much apparent weight in such an objection, I cannot think that it can be sustained, for it is perfectly clear, on the evidence which we possess, that the noblemen in question undoubtedly did, again and again, what Mr. Gardiner argues that they cannot be suspected of doing. In regard of Guy Faukes' declaration, it is not merely that they allowed their names to appear as witnesses, but they thereby guaranteed before the world the authenticity of what they cannot but have known to be a garbled version. The passage interpolated for Owen's benefit, is acknowledged on all hands to be a fabrication, with no warrant in the original. That original was in the hands of the Commissioners, who had been expressly appointed to examine the evidence, yet they thus sanctioned by their authority the capital charge manufactured against an absent man.

Nor does this instance stand by any means alone. Faukes and Winter in other examinations than those of which we have been speaking—of November 9th and January 9th, respectively,—stated that the confederates having mutually administered their oath of secrecy, had presently received the Sacrament at the hands of Father John Gerard, in pledge of fidelity to their evil purpose, but both explicitly declared that Gerard was not acquainted with their design, Winter adding that Gerard was not present when they took the oath. In both cases Sir Edward Coke struck out the passage exculpating the Jesuit, directing that it should be omitted when the rest was read in court.

¹ Pp. 24 and 41.

He then declared in his speech that Gerard had *administered* the oath to the conspirators, and although all who had access to the evidence could see that such an assertion was in direct contradiction to it, and that it had been falsified to make the assertion possible, not only was Coke's statement allowed to pass unchecked, but it was published in the official report of the trial,¹ with the names of the honourable Commissioners prefixed to give it weight.

This was no solitary or exceptional instance of such dishonesty. The written depositions, which furnished the only evidence produced, were carefully prepared for service by the Attorney General—the prosecuting counsel—who indicated, as we can see with our own eyes in the Record Office, what portions were to be read, and what others were to be passed over; everything being suppressed which could in any way tell in favour of those whose guilt the Government were anxious to establish, and the meaning of the passages which were retained being thus in many instances entirely changed. On this subject it will be sufficient to cite the words of Mr. Jardine:²

This mode of dealing with the evidence of an accused person is pure and unmingled injustice; it is, in truth, a forgery of evidence; for when a qualified statement is made, the suppression of the qualification is no less a forgery than if the whole statement had been fabricated.

Yet no attempt whatever was made to conceal what was done from those who had any part in the conduct of the case. The passages withheld from the jury and the public could be read without the slightest difficulty by all who saw the documents; yet the Commissioners, before whom the depositions thus mutilated had been made, sat by and said nothing at the time or afterwards.

It would not be difficult to add other instances to the same effect, but these will suffice for my purpose. Can it be maintained that these men would not do what they actually did, or that any argument can be based on their having failed to raise their voices in protest against deceit?

To us, indeed, it seems quite incredible that men of position, education, and character should condescend to play such a part and show no signs of shame or remorse for having played it. But in the time of James I. it seems, that when a man was charged

¹ *True and Perfect Relation*, sig. II. 4. b.

² *Criminal Trials*, ii. 358.

with high treason his guilt was taken as unquestionable, and it was considered a proof of loyalty to secure his conviction.¹ Mr. Gardiner himself tells us,² that one who was even suspected of this crime could never meet with sympathy, and could hardly hope for the barest justice; that judges and juries had been trained under a system which completely ignored the elementary principles of justice with which we are familiar; and that treason was regarded as an act of consummate wickedness aiming at the ruin of the nation. He points out, moreover, that in a case of treason, none of those engaged on the side of the prosecution had any real sense of the responsibility attaching to their own share in it; that—whilst a man accused of a State crime, would find in his examiners, persons incapable by their very position of taking an impartial view of the affair—the Privy Councillors, who conducted the examinations, regarding their inquiries merely as a preliminary investigation, threw upon the jury the responsibility which in theory they were themselves bound to feel; and that the jury, on the contrary, considered that everything had been established when the Councillors committed a prisoner for trial, and “would naturally feel a diffidence in setting their untried judgments against the conclusions which had been formed by men who were accustomed to conduct investigations of this kind, and who might be supposed, even if the evidence appeared to be weak, to have kept back proofs which for the good of the public service it was inadvisable to publish.”

When the public conscience was in this chaotic state, it would have required a man of singular force of character and devotion to principle, to set himself against the tide of popular indignation, which swept over the country from the first moment that the discovery of the Gunpowder Plot was announced. It cannot be said that the Commissioners were men of such a stamp. Before all things courtiers, they were engaged in a struggle for office and emolument, whilst for any one of them to have made difficulties on the score of truth and justice, would inevitably have been to lay himself open to a charge of wishing to favour the King's enemies; while to have confessed at a later period his own neglect of duty, would have

¹ Compare Dogberry's principle: “Masters, it is proved already that you are little better than false knaves, and it will go near to be thought so shortly.”

² *History of England*, i. 124, 125. He is speaking of the case of Sir Walter Raleigh, with whom he strongly sympathises.

been to injure himself far more grievously than the memory of the statesman under whom he had acted.

Nor does it appear that the individual commissioners specially cited by Mr. Gardiner as least likely to connive at fraud, could be counted upon to do much in such a case. He tells us:¹

Worcester is always understood to have been professedly a Catholic, Northampton was certainly one, though he attended the King's Service, while Suffolk was friendly to the Catholics.

It is clear, however, that none of these allowed religion in any way to influence his conduct, or was willing to suffer the smallest inconvenience for its sake; and at the same time that for any one to whom the slightest suspicion of Papistry attached, it would have been exceptionally dangerous to afford any handle for an accusation of sympathy with the plotters.² As to Suffolk, he is known to have been venal even beyond the ordinary measure of his contemporaries, and his friendliness towards the Catholics was probably due to his need of money, for there is evidence that very shortly after the time of the Plot, he offered to obtain toleration for them for a sufficient consideration, as his affairs were greatly embarrassed, his expenses being "infinite."³ He closed his career in dishonour, as, having become Lord Treasurer, he was condemned for embezzlement and extortion to a fine of £30,000, and imprisonment for life. Worcester's Catholicity sat so lightly upon him that we cannot be certain he was a Catholic even in name. As to Northampton, the one undoubted Catholic amongst the Commissioners, his interests, more than those of any other, were bound up with those of Salisbury, whose confidential instrument he had been in the secret correspondence with King James in the time of Queen Elizabeth, in which her Chief Minister had endeavoured to pave the way for himself to a like position under her successor, and, in particular, to undermine possible rivals, such as Northumberland and Raleigh. In spite of his Catholicity,

¹ P. 25.

² How real such a danger might be is abundantly evident from the history of Titus Oates and his monstrous fables, which moved the country to a state of frenzy much beyond that aroused by the Gunpowder Plot itself. In his time, to be accused of attempting to "stifle the Plot," or discredit the witnesses for it, meant almost certain ruin.

³ Father Richard Blount to Parsons, December 1, 1606. Stonylhurst MSS. *Anglia*, iii. 72.

Northampton afterwards boasted of the special part he had taken in hunting Father Garnet from the bar to the gallows;¹ and as to his character we are told by Professor Gardiner,² "Of all who gathered round the new King, this man was, beyond all comparison, the most undeserving of the favours which he received."

Putting these various considerations together, I do not think that the negative evidence deduced from the silence of the Lords Commissioners, can be allowed to weigh against the positive testimony which we have examined.

2.—The Political Situation.

Should the arguments hitherto adduced have any validity, it must follow that the traditional history of the Gunpowder Plot can no longer be accepted. If the confessions of Faukes and Winter were fraudulently manufactured for the purpose of deceiving the public, the credit of the story which so largely rests upon their evidence must be irretrievably damaged; and we have seen that the arguments showing these documents to be spurious, are not sufficiently answered by an appeal to the character of the men who testified to their genuineness.

It therefore appears that, the question has been brought to a point beyond which it is useless to pursue it, for the final conclusion will undoubtedly depend upon the judgment at which we arrive in regard of what has been already said. There is, however, another matter, brought into special prominence by Mr. Gardiner, which seems to demand some consideration.

Having disposed, as he believes, of the arguments I had adduced against the traditional story, he invites our attention to considerations of a broader kind, which will in his opinion assist us to understand the whole aspect of the case better than any mere scrutiny of details.

We can [he writes]³ raise ourselves into a larger air, and trace the causes leading or driving the Government into measures which persuaded such brave and constant natures to see an act of righteous vengeance in what has seemed to their own and subsequent ages, a deed of atrocious villainy. Is it true, we may fairly ask, that these measures were such as no honourable man could in that age have

¹ *Dom. James I.* lxx. 61.

² *History*, i. 93.

³ P. 138.

adopted, and which it is therefore necessary to trace to the vilest of all origins—the desire of a half successful statesman to root himself in place and power?

To the elucidation of this question, he devotes a singularly interesting chapter, in which he endeavours to trace the conflicting streams of policy favoured by King James and by his Chief Minister, and the confused and somewhat wayward line of action resulting from their confluence. His conclusion is that neither the monarch, nor his Secretary of State, was at heart a persecutor, and that while both would have suffered men to believe what they chose, but for political considerations, they alike felt that, as things then were, an increase in the number of Catholics was incompatible with the security of the realm; the King thereupon indulging in speculative and unpractical schemes of a partial toleration, while Salisbury fell back upon those Elizabethan principles of government with which he had been familiar, and endeavoured to graft upon his royal master's policy such provisions as would effectually secure the attainment of his object.

Mr. Gardiner likewise maintains, that at the moment when the Gunpowder Plot is said first to have been hatched, that is, in the spring of 1604, the Secretary had achieved a success, which made it needless for him to trouble himself greatly about the security of his own position: for in February of that year,¹ a proclamation had been issued ordering the banishment of all priests.

Consequently [says Mr. Gardiner], all arguments attributing the invention of the Plot to Cecil, for the sake of gaining greater influence with the King, fall to the ground. He had just achieved a triumph of no common order, the prelude, as he must have been keen enough to discern, of greater triumphs to come. Granted, for argument's sake, that Cecil was capable of any wickedness—we at least require some motive for the crime which Father Gerard attributes to him by innuendo. . . . In plain truth, Salisbury did not need to gain favour and power. He had both already.²

Notwithstanding Mr. Gardiner's authority and unrivalled acquaintance with this period of history, I find it impossible to attach much value to such an argument as this. Who can undertake to say, that he understands all the motives which may have presented themselves to such a statesman as Cecil, in

¹ February 22nd, 1603-4.

² Pp. 160, 161.

dealing with such a Sovereign as James I.? According to the rules then governing the game of politics, for a Minister to lose power meant disgrace and ruin, and Salisbury certainly held his position by no tenure so secure as had his father and Walsingham, or even he himself, under Queen Elizabeth. Although the King had as yet found his services indispensable, it was widely supposed that the monarch had no great affection for him, and would not have been sorry to find another to take his place. There can be little doubt that he was unpopular with the nobility and the people. Mr. Gardiner tells us¹ that, as events proved, he was not exactly loved by his colleagues, and the share attributed to him in bringing Essex to the block, had turned against him the hearts of those, who made of that nobleman a national hero. Meanwhile, there were men in high position whose influence he undoubtedly dreaded, foremost amongst them the Earl of Northumberland, against whom, since the discovery, more than a century later, of his secret correspondence with King James in Scotland, he is proved to have strenuously endeavoured to set the mind of his future master. There was a considerable Catholic party amongst the nobility, which any system of toleration would, without doubt, extend, and any increase of its influence would certainly tell against one, who on all hands was considered the most implacable enemy of Catholics. When the Gunpowder Plot was first heard of, he had succeeded in procuring the banishment of priests, which no doubt was much,—as much, perhaps, as he had ever actually proposed to James; but even if he could feel secure of the continuance by so unstable a Sovereign of the policy thus initiated, it represented but a small part of that at which he was generally supposed to aim, and before the discovery of the conspiracy opened the flood-gates of anti-Catholic legislation, he had succeeded in making notable advance along the path of intolerance. Mr. Gardiner, who pronounces,² that “All that has been said of the tyranny of the penal laws upon the laity, as affording a motive for the Plot, is so much misplaced rhetoric,” tells us elsewhere,³ that even as regards the actual plotters, the Government must bear a share of the blame, as having goaded them beyond endurance, and that they may even be regarded as more sinned against than sinning,⁴ and again,⁵ that in November, 1605, Catholic gentlemen and their

¹ P. 41.² P. 160.³ P. 8.⁴ P. 3.⁵ P. 28.

tenantry were undoubtedly so exasperated by recent enforcement of penal statutes, as to make them possible or probable rebels. He likewise admits¹ that Salisbury's animosity against the Catholics, and his resolution to put them down, were "no secret."

Even if it be granted that so far as this particular branch of policy was concerned, the Secretary felt no need of strengthening his hand, it would be hard indeed to make sure that there were no others portending difficulty and danger against which it would be prudent to fortify himself. Impending questions of foreign policy, especially as regards Spain, might well make it appear doubtful how long the Minister could count upon the countenance and confidence of his royal master.

It is, moreover, obvious that, whatever its origin, nothing could have happened more fortunately for Salisbury than the Gunpowder Plot. There was no more question of toleration for Catholics, and the surest road to power and popularity came to lie through the cause he strenuously adopted of loading them with new shackles. He may have secured much before, but undoubtedly the discovery of the conspiracy, attributed to his vigilance, greatly advanced him in favour with all classes of men; and he was, moreover, at last rid for ever of all possible antagonism on the part of Northumberland.

Considerations such as these at least avail to show how difficult it is, or rather how impossible, adequately to treat such a question by surveying it from the higher air to which Mr. Gardiner invites us. Unless we could see all that Salisbury saw, it must be hopeless to attempt to reconstruct all the motives for action that suggested themselves to his mind, and in attempting to do so we run the risk of disguising history by the exercise of our ingenuity.

But at the same time, if what has been said above concerning the fundamental evidence have any weight—if it be established that documents were elaborately fabricated for the purpose of imposing upon the world a fictitious story—it is useless to argue about the motives which may or may not have existed to recommend the adoption of a course, which is found to have been, from whatever motive, actually adopted.

There is another fact, writ large on the face of history, which appears to be unaccountably ignored. Mr. Gardiner acknowledges, in the most ample terms,² that to lay the Gunpowder

¹ P. 7.

² P. 2.

Plot at the door of English Catholics as a body, is now known to all historical students to be an "entirely false charge." That it is so, students learn from examination of the mass of evidence taken at the time and transmitted to us by the Government of the day. Yet the net result of the whole affair was to brand Catholics for centuries with the odium of a design in which they had no part, and to crush them under a cruel persecution, the only excuse for which was their supposed complicity; and it was the very men who had collected the evidence which convinces us of their innocence, who, by word and act, persuaded the world of their guilt. At the very outset, the King himself in his speech to Parliament—November 9th—pronounced the atrocious project to be the direct outcome of Catholic principles, declaring "that no other sect of heretics, not excepting Turk, Jew, nor Pagan, no, not even those of Calicut, which adore the devil, did ever maintain by the grounds of their religion, that, it was lawful, or rather meritorious—as the Romish Catholics call it—to murder princes or people for quarrel of religion;" and again, that "none of those that truly know and believe the whole grounds and school conclusions of that doctrine, can ever prove either good Christians or faithful subjects;" the Secretary of State wrote in the King's name to inform Sir Charles Chichester in Ireland, that¹ "this detestable and inhuman treason was an abominable practice of Rome and Satan;" and again, the Sovereign himself informed Sir John Harington,² that "these designs were not formed by a few—the whole legion of Catholics were consulted—the priests were to pacify their consciences, and the Pope confirm a general absolution for this glorious deed, so honourable to God and His holy religion."

These things were proclaimed while as yet no evidence whatever had been obtained to implicate any one except the actual plotters; not even that which was subsequently alleged against individuals like Garnet and Greenway. As time went on and inquiries were multiplied, the same tone was consistently maintained, no opportunity being lost of disseminating the entirely false charge of which we have heard. Thus, upon the 3rd of March following, Salisbury wrote to Sir Henry Bruncard³ "I must plainly tell you, as my good friend, that I must still apprehend the dangerous estate wherein we live,

¹ State Papers, Ireland, 217, 95.

² *Nugæ Antiquæ*, i. 374.

³ State Papers, Ireland, 218, *Dom. James I.* xix. 10.

considering how we are forced, after so long a suffering, to run a course more violent than standeth either with the ordinary rules of moral policy, or with the moderation of his Majesty's mind. But necessity hath no law, and the same God who blessed us in our slumber, will not forsake us when we are awake." On the 9th of the same month, he, in like manner, informed the Earl of Mar,¹ that although unwilling to persecute Catholics for conscience' sake, he is forced to do so having ascertained them to be traitors—"Seeing the law of nature and of nations teacheth all kings to prevent destruction practised under mantle of religion, it is expedient to make manifest to the world how far these men's doctrine and practice trencheth into the bowels of treason; and so for ever after stop the mouths of their calumnation that preach and print our laws to be executed for difference in point of conscience." Ten days later, Salisbury wrote in the same strain to Sir Henry Wotton, at Venice.² "Now they may see that the just laws that were enacted during the reign of the late Queen of famous memory, against those Romish Catholics, and particularly against priests and Jesuits, which they then calumniated and termed persecutions for difference in point of conscience and religion, are demonstrated to have been for no other cause than for high treason. . . . when Garnet, the Provincial, who was one of those proscribed by the proclamation, being now taken and examined in the Tower, hath confessed his own privity and Greenway's to the treason, not sticking to avow the action justifiable by divinity." Now that we have access to the evidence which the Government possessed, we can see that, whatever be thought of Father Garnet's attitude towards the conspiracy, this last assertion regarding him was as entirely false as the general charge against Catholics.

The policy foreshadowed in utterances such as the above, was speedily translated into action, it being the first business of Parliament, when it assembled, to forge new fetters for the luckless Papists. It was solemnly declared to be matter of daily experience, "that many of his Majesty's subjects that adhere in their hearts to the Popish religion, . . . are so perverted in the point of their loyalties and due allegiance unto the King's majesty and the Crown of England, as they are ready to entertain and execute any treasonable conspiracies and prac-

¹ *Dom. James I.* xix. 27.

² *Ibid.* 59.

tices,"¹ and accordingly measures were taken to have the penal laws fully executed, to secure the banishment of all priests, to ruin the Seminaries beyond the seas, and, in short, to stamp out the Catholic faith. As Mr. Jardine says,² the horror excited by the Gunpowder Plot "was artfully converted into an engine for the suppression of the Roman Catholic Church," and Mr. Gardiner adds,³ that the charge, which he so severely stigmatizes, caused Catholics, and especially their priests, to be subjected to persecution, which they bore with the noblest, and least self-assertive constancy, and that the false belief regarding them prevailed so widely as to have hindered in no slight degree the spread of Catholicism. The historian Birch remarks, moreover,⁴ that "in passing these laws for the security of the Protestant religion, the Earl of Salisbury exerted himself with distinguished zeal and vigour, which gained him great love and honour from the kingdom."

And all this on the strength of an accusation which the evidence by which the Government sought to support it shows to have been "entirely false." Is it needful to seek further proof that the history of the Plot was entirely falsified?

¹ Preamble to Act for better execution of penal statutes, January 21, 1605-

² *Criminal Trials*, ii. 1.

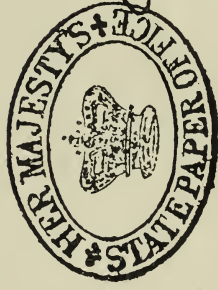
³ P. 2.

⁴ *Negotiations*, p. 256.

If I may th my sister good love, Let me entreat
 you Brother, to come over saturday next to us at
 Charleston; I can assure you of kind welcome.
 and your ~~an~~ acquaintance wh my cousin Carly
 will nothing regret you. I could wish ~~th~~
 heave but our life is Monasticall when some
 Comend me to your mother find so & Dio.

bring wh you my
 Ragron do slatto.

Di: IS per: ^{mo}



Wm. Wm. Wm.

THOMAS WINTER TO JOHN GRANT.

January, 1604-5.

I had thought to have come down before this; but business
 hath hindered and will yet longer detain me away.
 I am now going to the bath with my L^{dy} Mountagu, and
 from thence into Lan^{ts}shire. my fortunes are so
 poor that they will leave me more or less, if they
 did, I act, than shouldst I have more of my company.
 Comend me to my sister, and next week, I send
 one a horse. A D^y



London this 22nd of February.
 my L^{dy} Mountagu will receive
 your brother's letter this and
 and I shall hear me as usual
 since he goes into Lan^{ts}shire.

Your loving Brother

J^{no} D^y: W^m W^m W^m

No. 3.

Thomas Winter

Edw. Coke

Edw. Coke

Edw. Coke

Edw. Coke

Edw. Coke

Edw. Coke

Edw. Coke



SIGNATURES OF THOMAS WINTER AND THE LORDS COMMISSIONERS.

November 25, 1605.

In the original the signatures of the Commissioners are in the margin of the Examination. The capital letters are Sir E. Coke's, indicating the passages to be read.

In the message that was delivered me from my Mom 2
 egle Carthy and Graham it ~~was~~ thought I was willful
 he says that these were of a quality not common
 for if greater profanities should have come, ~~the~~ it
 class of England would have had this - in more
 suspicion, ~~and~~

Thos. Winter



THOMAS WINTER'S HOLOGRAPH NOTE TO THE COMMISSIONERS.

November 25, 1605.

An attempt has been made to obliterate the name of Lord Montague, over which a piece of paper was also pasted.

when I came, I find M^r Carby reasonable and, M^r Percy
 both the wrights M^r Punctwood and M^r Grand. when
 I asked them what they refused to do, they answered
 we mean hear to die, I said againe I would take such
 part as they did. about a house of the cloth came
 the company to beset the house, and as I walked in
 the court was shot into the shoulder, it left me the
 use of my right arm, the ~~next~~ shot was the elder wright
 who stode dead, after him the younger M^r wright, and
 forthby Justice Punctwood. then said M^r Carby to me
 standing before the door they were to order stand by
 me Tom and we will dye together, Sir & I I have
 left the use of my right arm and I fear that
 will cause me to be taken. so as we stood close together
 M^r Carby M^r Percy and my self, they two were
 shot as far as I could go, with one bullet
 and then the company entered upon me, hurt
 me in belly with a pike and soon gave me other
 wounds with our came behind and caught hold
 of both our arms, and so I remain your

honest poor husband and

promised prisoner

Thomas WINTER



delivered by Thomas Winter
 all written with his own
 hand. 25 NOV: 1605

— Edw Coke
 3

TENTH, AND LAST, PAGE OF THE HATFIELD CONFESSION.

November 25, 1605.

With Note by Sir Edward Coke. Two-thirds of original size.

and I fear I shall not survive. I be taken, so as
 w. stood close by, I see Mr Catfry, Mr Perry, and
 my step, they two were shot (as far as I could
 see, by one bullet) and then the company entered
 upon me, but me in the belly by a pike, and
 gave me four wounds, until one run beyond, and
 ran off south of 60, my armed and fl. I remain



your eye /

This
 Taken before us

Nottingham Suffolk. Debon Horts
 Worcester Debon Horts ampton Salisbury
 New Lambour Popbarn

Edw. Cook

w. Wade /

CONCLUSION OF LEVINUS MUNCK'S COPY OF WINTER'S CONFESSION.

The witnesses' names added by the Earl of Salisbury.

APPENDIX.

PROFESSOR GARDINER'S DEFENCE OF THE TRADITIONAL STORY.

(Reprinted from "*The Month*," September, October, November, 1897.)

HAVING ventured in a recent publication,¹ to express my disbelief in the received history of the famous Powder Plot, I cannot but rejoice that my conclusions should have elicited the formal criticism of an authority so eminent as Professor Gardiner. Arguments which are sound, must necessarily gain in cogency when carefully sifted, and if mine be unsound, the sooner they are swept away the better, for the question at issue is too important to be obscured by sophistry or special pleading.

For the tone and temper of Mr. Gardiner's attack on my position,² I have every reason to be grateful. As the nature of the case imperatively requires, he hits straight and speaks plainly, concerning whatever seems to him defective in my method or my reasoning. At the same time, he manifestly desires to be fair, and to meet every difficulty with a sufficient answer. More than this, he peremptorily sweeps away the one allegation which has been supposed to invest the history of the Plot with any legitimate importance, namely, that it was the work of English Catholics as a body, that it was, in fact, as the Anglican Calendar long described it, "The Papists' Conspiracy." Nothing could be more satisfactory than his pronouncement upon this all-important point. It is something new to find an English historian of eminence expressing himself in such terms as these.³

No candid person can feel surprise that any English Roman Catholic, especially a Roman Catholic priest, should feel anxious to wipe away the reproach which the Plot has brought upon those who share his faith. Not merely were his spiritual predecessors subjected to

¹ *What was the Gunpowder Plot?* Osgood, McIlvaine and Co., 1896.

² *What Gunpowder Plot was.* By Samuel Rawson Gardiner, D.C.L., LL.D., Fellow of Merton College, Oxford. Longmans and Co., 1897.

³ P. 2.

a persecution borne with the noblest and least self-assertive constancy, simply in consequence of what is now known to all historical students to have been the entirely false charge that the Plot emanated from, or was approved of by the English Roman Catholics as a body, but this false belief prevailed so widely, that it must have hindered, to no slight extent, the spread of that organization, which he regards as having been set forth by divine institution for the salvation of mankind.

Did we not know by sad experience that bad history is invulnerable, we might expect to hear no more of the "entirely false charge," so recklessly repeated by ill-informed or prejudiced writers and speakers.

But, whilst fully exonerating Catholics as a body, Professor Gardiner strenuously maintains that the conspiracy was wholly and solely the work of a small knot of individual Catholics—the thirteen men who suffered for it on the scaffold, or died in the field—and although he acknowledges¹ that even as concerns them the Government must bear a share of the blame, as having goaded them beyond the limits of endurance, he altogether rejects the idea that the plotters were unwittingly used as tools for ministerial purposes, or that the true story of their proceedings was in any material particular different from what we have been accustomed to believe.

Here it is that we part company, and his attack upon my position begins. Without going into particulars, for which readers must be referred to the book in which I have set forth my argument at large, I must be allowed briefly to indicate its essential features.

I maintain that the story of the Gunpowder Plot commonly accepted—which was that originally circulated by the Government of the day—is not, and cannot be, true. It seems to me impossible to believe that the Government, or some of its principal members, were not aware of the conspirators' proceedings long before they professed to discover them: and if they had such knowledge whilst simulating ignorance, it is obvious that the real facts of the case are quite different from what has commonly been supposed: that it was not the King's Ministers who were almost involved in unforeseen ruin, but Guy Faukes and his fellows, who were allowed in fancied security to consummate their own destruction. Should this prove to be the true account, it will hardly be denied that the transaction assumes a character quite different from that with which it has

¹ P. 8.

hitherto been invested, and illustrates not so much the lengths to which a few desperate men were prepared to go, as the dexterity with which such men could be utilized by statesmen for the accomplishment of political objects, for it is a patent fact that the discovery of the Gunpowder Plot ensured the continuance during many years of a policy of intolerance towards the Catholics of England, and equally certain that nothing so powerfully contributed to this result, as the belief, sedulously fostered by the Government, that they and the entire nation had suddenly found themselves on the brink of destruction at the hands of Catholics, and had been preserved from an appalling and wholly unsuspected catastrophe only by a lucky chance, which deserved to be termed miraculous.

It is with this fundamental point that my argument is primarily concerned. I maintain that the account of the Plot furnished by the Government is manifestly untrue in regard of this essential feature of the story, and that the pains they took to obtain credence for this falsehood sufficiently testify to its importance for their purposes.

With their knowledge of the conspiracy the question of the Monteagle letter is necessarily connected. It was by this alone, they declared, that they obtained any information of the impending danger; but I agree with such writers as Mr. Jardine and Professor Brewer in considering this famous communication to have been merely a device to conceal the truth as to the manner in which they became cognizant of the conspiracy, and the time at which they obtained such knowledge.

Finally, I find it extremely difficult to believe that the conspirators ever did some of the things they are said to have done. If they really performed the actions ascribed to them, it becomes more than ever impossible to suppose that their proceedings eluded the observation of the authorities. If, on the other hand, they never did what they are alleged to have done, the narrative, of which such allegations form an integral part, forfeits all claim to consideration. The mine which the plotters are said to have endeavoured to dig beneath the House of Lords, with the intention of storing in it their powder, is the principal example of what I mean.

Professor Gardiner, on his side, maintains that the account to which we are accustomed is in all important respects unimpeachable. "My hypothesis is," he writes,¹ "that the

¹ P. 13.

traditional story is true—cellar, mine, the Monteagle letter and all,” and it is the object of his book to show that there is nothing in the evidence we possess which impugns its substantial truthfulness. The arguments which I have alleged—or a certain number of them—he weighs and finds wanting, and feels compelled to repudiate alike my method and my conclusions.¹

Having carefully, and I trust fairly, considered all that Professor Gardiner says in support of this judgment, I confess to finding my former opinions unaltered. I venture to think that the method I adopted was a perfectly legitimate method, and that my conclusions are not weakened but strengthened by the new tests to which they have been subjected, and I proceed to give some of my reasons.

I.

To begin with the question of method, to which Mr. Gardiner rightly attaches supreme importance, inasmuch as it must needs underlie everything else. His first objection to mine is thus formulated by himself.²

I object to [Father Gerard's] criticism as purely negative. He holds that the evidence in favour of the traditional story breaks down, but he has nothing to substitute for it. He has not made up his mind whether Salisbury invented the whole Plot or part of it, or merely knew of its existence, and allowed its development till a fitting time arrived for its suppression. Let me not be misunderstood. I do not for an instant complain of a historian for honestly avowing that he has not sufficient evidence to warrant a positive conclusion. What I do complain of is that Father Gerard has not started any single hypothesis wherewith to test the evidence on which he relies, and has thereby neglected the most potent instrument of historical investigation. When a door-key is missing, the householder does not lose time in deploring the intricacy of the lock, he tries every key at his disposal to see whether it will fit the lock, and only sends for the locksmith when he finds that his own keys are useless. So it is with historical inquiry, at least in cases such as that of the Gunpowder Plot, where we have a considerable mass of evidence before us. Try, if need be, one hypothesis after another—Salisbury's guilt, his connivance, his innocence, or what you please. Apply them to the evidence, and when one fails to unlock the secret, try another. Only when all imaginable keys have failed have you a right to call the public to witness your avowal of incompetence to solve the riddle.

¹ P. 3.

² P. 12. I take Professor Gardiner's objections in the order which seems to me the most easy to follow.

I must confess myself altogether unable to follow Mr. Gardiner upon this point, and his remarks appear to exemplify the facility with which a fallacy may insinuate itself under cover of an illustration. Neither can I see that our methods are essentially different. We agree that the traditional or official story, being in possession, has a right to be first examined. We alike examine it, but while he pronounces in its favour, as tallying with the known facts of the case, I come to an opposite conclusion. The only question which would seem to arise is as to which of us is right, and this, as will be seen, I am quite ready to meet. But Mr. Gardiner appears to argue, that because my conclusion, being adverse to the account hitherto accepted, is only negative or destructive, I ought not to announce it, until I have found, or at least until I have exhausted every imaginable supposition in trying to find, a story of my own with which the evidence can be made to square.

But why so? If the key examined in the first instance be really found not to fit the lock, no examination of other keys will make it do so. The result of my inquiries may be negative, but, if these inquiries have been rightly conducted, their result is final, and is a distinct addition to our information.

Moreover, why should we go in quest of other solutions of the problem, unless we have some reason to believe that the true one can be found? Here, as seems to me, the fallacy comes in. In the case of a material lock, it is morally certain that some key will open it, and, should this not be the case, as Mr. Gardiner reminds us, there still remain locksmiths. But with such an historical problem as this, it is quite otherwise. If the true key be not that presented to us by the Government of the day, there can be little doubt that it is lost beyond hope of recovery. The official story of the Plot is acknowledged by writers, such as Mr. Jardine, who can be suspected of no hostile bias, and who have even accepted its details as substantially accurate, to be a dishonest and unscrupulous production, of no authority, carefully manufactured for the express purpose of leading the public mind in a particular direction.¹ Supposing a story totally different from that which it relates to be the true one, is there any sort of likelihood that the men who composed and circulated this so carefully, should have allowed evidence to remain in existence which would suffice

¹ Jardine's *Criminal Trials*, ii. 4, 5.

for the construction of a narrative diametrically opposed to theirs? When statesmen engage in underhand transactions, they must pull many strings, and approach their desired end by such tortuous paths as seem least likely to be detected. If in the case before us anything of the kind took place, can we suppose that at this distance of time, and with no documentary evidence at our disposal, except what has been transmitted by the authors of the traditional account, we shall be able to piece together the broken threads of this complex web? But even although we cannot discover the truth, it may be quite possible to satisfy ourselves that the story which we are asked to believe is untrue, and that the evidence produced in support of it breaks down when closely examined. I believe that we can do this, and that it is all we can do.

On the other hand, there appears to be much truth in Dr. Lingard's view,¹ that nothing so much conduces to the perversion of history as the introduction of hypotheses and speculations not necessarily suggested by established facts. An hypothesis is a dangerous tool to handle, and a writer who starts with one is apt to be too easily satisfied with arguments to sustain it, and to borrow from imagination or conjecture what is required for his purpose. Mr. Gardiner himself tells us: "Nothing—as I have learnt by experience—is so likely as a false theory to blind the eyes to existing evidence."² I cannot but think that in the present instance he has plentifully illustrated the reality of this danger.

Neither can I think that, in such a case, the results of merely destructive criticism are entirely negative. A verdict for the defendant is sometimes equivalent to an indictment of the plaintiff, and since the days of Daniel many a cross-examiner, by merely discrediting the story told by an accuser, has made him change places with the accused. Should the Government's account of the Gunpowder Plot be proved unworthy of credence, we shall inevitably be forced to conclude that those who fabricated that account played a part in the affair which they were extremely anxious should not be known; while, as an eighteenth century writer³ not unreasonably argues, if they played a part at all, then it was a principal one.

Another charge which Professor Gardiner brings regards

¹ *History of England* (Fifth Edition), Preface, xxvi.

² P. 107.

³ *Essay towards a new History of the Gunpowder Plot*, Introduction. London, 1765.

my use of evidence, as to which he expresses himself very strongly. "It is plain," he writes,¹ "as the *Edinburgh Review* has shown, that Father Gerard is unversed in the methods of historical inquiry which have guided recent scholars." And again:² "It seems strange to find a writer so regardless of what is, in these days, considered the first canon of historical inquiry, that evidence worth having must be almost entirely the evidence of contemporaries who are in a position to know something about that which they assert." He goes on to cite with approval the rule laid down by the late Mr. Spedding:³ "When a thing is asserted as a fact, always ask who first reported it, and what means he had of knowing the truth."

This is doubtless excellent, but it is likewise somewhat obvious, and scarcely seems to require the high authority of Mr. Spedding to recommend it. How far I have disregarded so plain an injunction of common-sense I must leave my readers to determine. But does it necessarily follow that no evidence regarding an event which is not contemporary is of any value at all?

In the first place, Professor Gardiner himself tells us the contrary, for "tradition is worth something, at all events when it is not too far removed from its source." But the existence of tradition must necessarily be demonstrated by evidence contemporary with the tradition, and not with the event to which it refers. It seems therefore hard to understand his point when he goes on to say that he must regard the whole of my chapter dealing with "The Opinion of Contemporaries and Historians" as absolutely worthless.⁴ It is surely something to show that from the moment when the Plot was first divulged there appear to have been many who disbelieved the official account, and that a like incredulity prevailed widely for more than a century. This is what the evidence I have adduced seems to establish, and although the argument which it furnishes is far from being in itself conclusive, which I never supposed it to be, I cannot think that it is wholly without value.

It appears, moreover, that historians of later date may legitimately be cited, if they had the same grounds as we have on which to base a judgment, being called, not as witnesses to the fact, but as experts in the interpretation of evidence. This, Professor Gardiner seems to disallow. He dismisses the opinion

¹ P. 3.² P. 4.³ P. 5.⁴ P. 6.

of Professor Brewer, for example, with the observation that he wrote in the nineteenth century.¹ True; but he had access to the same documents which are open to us, and I quoted him to show that the conclusion he drew from them was, in a certain particular, the same as mine. If all nineteenth century writers are to be at once ruled out of court, we who live in the closing years of that century are spending labour to no purpose upon the present discussion.

Again: even though a critic may not have had access to all the evidence we now possess, he may be a good witness as to the meaning of what was before him. An excellent example is suggested by a point on which Professor Gardiner severely criticizes one of my statements. I had said that while engaged in digging their abortive mine, the conspirators, "ridiculous as is the supposition," appear to have been ignorant of the existence above their heads of the large "cellar" which they subsequently hired; and I cited in corroboration a history of the Plot published in 1678 (which I erroneously ascribed to Bishop Barlow of Lincoln), and the more recent testimony of Mr. Tierney. Professor Gardiner replies: "The supposition would be ridiculous enough if it were not a figment of Father Gerard's own brain,"² and he goes on to declare that in making such an assertion I rely upon the authority of witnesses whose evidence, as he elsewhere explains,³ may at once be brushed away as worthless, since they lived so long after the event. Their testimony, it would seem, might at least serve to show that the objectionable supposition was a figment of their brains as well as mine, but it was not for this purpose that I quoted it. They were as fully acquainted as we with the only piece of evidence which throws any light upon the question, the published confession of Guy Faukes, which seems to me—although Professor Gardiner thinks otherwise—clearly to imply that the conspirators did not know of the existence of the cellar till a late period of their operations, and I called my witnesses to show that they understood his words in the same sense as I, and that this was therefore their legitimate signification.⁴

But in addition to such considerations, there appears to be

¹ P. 7.

² P. 106.

³ P. 84.

⁴ Faukes says: "As they were working upon the wall, they heard a rushing in a cellar of removing of coals; whereupon we feared we had been discovered, and they sent me to go to the cellar, who, finding that the coals were a-selling, and that the cellar was to be let, viewing the commodity thereof for our purpose, Percy went and hired the same for yearly rent."

no doubt whatever that the supposition which Mr. Gardiner acknowledges to be so absurd, and represents as having been so recently and vainly imagined, was an integral part of the story from the beginning. A French contemporary writer, whose account of the Plot is amongst our State Papers, tells us, in so many words, that the existence of the cellar was unknown to the miners until they had been for a long time at work upon the wall beneath it.¹ Even more explicit is the testimony of Father Greenway in his Italian narrative of the Plot, in which he evidently incorporates the version of the tale generally current.²

It would moreover appear that in his anxiety to dispose of hostile witnesses, Mr. Gardiner sometimes satisfies himself with arguments by no means satisfactory. A writer, of the year 1673, alleges that Lord Cobham testified to having heard James I. speak of the 5th of November as "Cecil's holiday." On this, Mr. Gardiner observes: "Lord Cobham (Richard Temple) was created a peer in 1669, so that the story is given on very second-hand evidence indeed."³ But, in the first place, Richard Temple's birth, not his creation, occurred in 1669,⁴ and he cannot therefore be supposed to have ever heard King James say anything. In the second place, as is evident, he was not the Lord Cobham in question, who was quite a different man, of a different family—John Brooke, restored to his title by Charles I. in 1645. As first cousin to Cecil's wife, Brooke would naturally take particular notice of all which concerned her husband.

Another witness cited by me argues that King James cannot have believed the Plot to have been genuine, since the sons of Sir Everard Digby, one of the conspirators, "were both knighted soon after." Such an assertion, in Mr. Gardiner's judgment, is sufficient to destroy the authority of the person who makes it.

¹ "A quoy [the mine] sept des conjurateurs furent long temps a travailler, mais trouvant beaucoup de difficulté à percer le fondement de la muraille, et ayant decouvert en travaillant qu'il-y-avoit une Voute ou Caveau de l'autre costé de lad. muraille, directement sous la haute chambre, ils desisterent de leur premier ouvrage," etc. (*Dom James I.* xx. 55.)

² "Ilorà mentre stavano così affitticati et dal timore di non essere intesi di lavorare in quel luogo, et del travaglio eccessivo et difficoltà che haveano in tagliare quel muro, ecco che sopra le teste loro sentono un gran fracasso et strepito, del quale cercando l'occasione vengono a sapere che la su vi era una cantina, et che quel rumore era stato di carboni delli quali quella cantina era pieno," etc. (*De Conjurazione Pulveraria*, f. 44 verso, Stonyhurst MSS.)

³ P. 8.

⁴ He was created Baron Cobham in 1714.

"What," he asks, "is to be thought of the accuracy of a writer, who states that 'Sir Everard Digby's two sons were both knighted soon after,' when, as a matter of fact, the younger, Kenelm, was not knighted till 1623, and the elder, John, not till 1635?"¹ And he goes on to argue that "our anonymous and erudite friend who perpetrated that little blunder about the knighthood of Sir Everard Digby's sons," is capable of any feat in the way of misrepresenting evidence. This surely is much ado about nothing. Kenelm Digby was but twenty years of age when he received knighthood, which was about as soon as it could possibly be conferred upon him, and he had already been for some time in the service of the Prince of Wales. John Digby was knighted at the age of thirty. Moreover, if we must be accurate, Kenelm was the elder brother, and John the younger.²

The same witness who speaks of the Digbys, also declares that according to the testimony of a gentleman whom he names as living when he wrote, William Lenthal, Speaker of the Long Parliament, testified to having heard the second Earl of Salisbury acknowledge that the Gunpowder Plot was "his father's contrivance." Coming through so many hands, this evidence is doubtless not above suspicion, but it cannot be altogether disregarded. Mr. Gardiner—who argued against its acceptance on the ground that Lenthal was described by Anthony à Wood as a liar and a braggart, and that as he died in 1681 and was apparently dead when his testimony was thus quoted, it refers to very ancient history—has since acknowledged³ that it is Lenthal's son, and not himself, of whom all this is true. He still thinks, however, that the second part of his objection holds good. Lenthal, the Speaker, died in 1662, that is to say, fifty-seven years after the Plot, and this, Mr. Gardiner thinks, is a period too long to be thus covered. But is there any extreme improbability in supposing a person who died in 1662 to have been in the confidence of one who survived him half-a-dozen years,⁴ or a third who lived

¹ P. II.

² The relative age of the Digbys is wrongly given by the *Dictionary of National Biography* in the article "Everard Digby," but it corrects and contradicts itself in the following article, "Kenelm Digby." The point is settled by a passage in Sir Everard's letter to his sons from the Tower: "Let me tell you, my son Kenelm, that you ought to be both a father and a brother to your unprovided for brother." (Barlow's *Gunpowder Treason*, p. 259.)

³ *Athenæum*, July 17, 1897.

⁴ William Cecil, second Earl of Salisbury, died in 1668.

a few years longer to have heard something of what passed between them?

More serious is the manner in which the son's alleged evidence concerning his father is treated, which Mr. Gardiner dismisses in most summary fashion, as follows :

Whatever else a statesman may communicate to his son, we may be sure that he does not confide to him such appalling guilt as this. . . . *Maxima debetur pueris reverentia*. Moreover, the second Earl, who was only twenty-one years of age at his father's death, was much too dull to be an intellectual companion for him, and therefore the less likely to invite an unprecedented confidence.¹

But wherefore must we suppose there was any confidence in the case? The same witness who speaks of the communication to Lenthal implies that at least one other member of the family—Edward Cecil, Viscount Wimbledon—possessed similar information. Even if this were not so, who was so likely to learn the great Secretary's secrets as the son who upon his sudden death came into possession of his most private papers? Lord Castlemaine remarks that it is not easy to discover the truth concerning a statesman who died in prosperity; but if any one may be supposed to have done so, it is the heir who succeeded him in such circumstances.

In much the same manner is explained away a reported utterance of Archbishop Usher, who is said to have declared that if the Papists knew what he knew, the guilt of the Powder Treason would not lie on them. No great stress, it is true, can be laid on such a remark, on account of the manner in which it comes to us; but Professor Gardiner wishes to maintain that, even as it stands, it need mean no more than that the Catholics in general were not implicated. But surely the words, if they mean anything, point to something definite, not generally known, which wholly changes the aspect of the case.

So much as to the selection of evidence. Let us pass on to the manner of using it. Mr. Gardiner considers my practice to be as faulty in this respect as in the other, and in the interests of brevity I will select but one instance, in which he charges me with the violation of all the rules which an historian should observe.

I had cited the apprehension of Guy Faukes as one of those particulars connected with the Plot regarding which it is impos-

¹ P. 12.

sible to have any certainty, on account of the contradictions which the evidence exhibits, some witnesses declaring that it took place in the "cellar," others in the street, and others, again, in his own chamber. After quoting my words on this subject, Mr. Gardiner thus continues :

This passage deserves to be studied, if only as a good example of the way in which historical investigations ought not to be conducted, that is to say, by reading into the evidence what, according to pre-conception of the inquirer, he thinks ought to be there, but is not there at all. In plain language, the words "cellar" and "street" are not mentioned in any one of the documents cited by Father Gerard.¹

This, I must confess, looks to me very much like trifling with the subject. What can it matter whether these particular words are used, if the things for which they stand are precisely designated? That they are so designated, it will, I think, be difficult to deny.

That the "cellar" was the scene of the arrest we have such evidence as the following :

"As he was busy to prepare his things for execution, on Monday night, [he] was apprehended in the place itself. . . . Sir Thomas Knyvet, going by change into the vault by another door, found the fellow, as is said before." (*Salisbury's letter to Sir Thomas Parry, November 6, 1605.*)

"[He was taken] making his trains at midnight." (*Chamberlain to Dudley Carleton, November 7.*)

"Certain it is that upon a search lately made on Monday night in the vault beneath the Parliament Chamber, one Johnson,² was found . . . preparing his trains against the next morrow." (*Sir E. Hoby to Sir T. Edmondes, November 19.*)

This appears to make the matter perfectly clear. The "vault" and the "cellar" were used as synonymous terms to describe the chamber in which the powder was lodged, and I cannot but think that I am fully justified in saying that some witnesses speak of Faukes as being apprehended in this celebrated apartment. When Mr. Gardiner argues that we are not told what is meant by "the place itself," nor *where* Guy was making his trains, it is not very easy to believe him to be serious. "The place" must certainly be that where the powder was, which was the cellar, and there alone can the trains possibly have been made. Mr. Gardiner seems to suggest that they were being prepared

¹ P. 132.

² Faukes' assumed name.

in a passage outside, or even in the head of the court beyond ; a suggestion which does not appear to call for discussion.

On the other hand, the evidence that the arrest took place out of doors is equally explicit and more abundant, though I must confess that my description of this as "the street" is based not upon written accounts, but upon contemporary drawings, which undoubtedly so represent it.¹ Here are some testimonies to this effect.

"When the party was taken he was but new come out of the house." (*The King's speech in Parliament, November 9.*)

"[Sir T. Knyvet] finding the party newly come out of the vault." (*Relation of the Discovery, November 7.*)

"But before his entry to the house, finding Thomas Percy's alleged man standing without the doors, his clothes and boots on . . . he resolved to apprehend him, as he did, and thereafter went forward to the searching of the house. . . . [The fellow] declaring unto him that if he had happened to be within when he took him, as he was immediately before (at the ending of his work), he would not fail to have blown him up, house and all." (*The King's Book.*)

"[Knyvet] went the next midnight, and coming before the entrance of the house, spied Percy's pretended servant standing without the door, booted and spurred." (*Stow's Chronicle, Howes.*)

"He met John Johnson in front of the house."²—(*Thuanus.*)

"The caitiff of the cave, who being some hours before in the cellar (when some of the Lords came thither), had not the power to suspect or the grace to fly, but when the privy watch came in the night, he was the first man that appeared at the door, as if God Himself had presented him into their hands." (*William Barlow, Bishop of Rochester, Sermon at Paul's Cross, November 10.*)

I cannot think that any preconception is required to discover in these testimonies plain contradiction, nor that it is necessary to read into them a meaning which they do not legitimately bear. Had Faukes been making his trains when his captors appeared, he could hardly have explained that, had he been somewhere else, he would have put a match to the powder, for such a situation was precisely the one which made it possible to do so. For my own part, I never imagined that there could

¹ Some of them are reproduced in my book already referred to.

² "Joannem Jonsonum ante ædes offendit."

be such discrepancies as to a simple matter of fact, till they stared me in the face.

Moreover, while Mr. Gardiner reproves me so severely for not being sufficiently rigorous in my interpretation of evidence, he does not appear to be equally exacting in his own regard.

In connection with the supposed mining operations of the conspirators, for example, I have urged as an objection, that being quite inexperienced in this kind of labour, it is hard to understand how they could have done all they are said to have done without an accident, and should never have attracted attention by the noise they made during the long period when they were engaged in breaking through the foundations of the Parliament House. The difficulty is thus solved by Mr. Gardiner.¹

Father Gerard forgets that though six of the seven miners were amateurs, the seventh was not. Fawkes had been eight years in the service of the Archdukes in the Low Countries, and to soldiers on either side the war in the Low Countries offered the most complete school of military mining then to be found in the world. Though every soldier was not an engineer, he could not fail to be in the way of hearing about, if not of actually witnessing, feats of engineering skill, of which the object was not merely to undermine fortifications with tunnels of far greater length than can have been required by the conspirators, but to conduct the operations as quietly as possible. It must surely have been the habit of these engineers to use other implements than the noisy pick of the modern workman.

Whether the sappers and miners of three centuries ago are likely to have been better furnished with implements than those of our own days—whose tools are pick and shovel—military authorities must decide, but at least it is clear that a good deal is here read into the evidence which Mr. Gardiner thinks ought to be there, but certainly is not there at all. In fact, something which we do find looks very like a contradiction of his whole supposition; for the one man of the party who was not an amateur, himself tells us, that he was just the one who did *not* bear a hand in the work of excavation; Faukes expressly stating, "that all the time while the others wrought, he stood as sentinel to descry any man that came near."² Mr. Gardiner's method of dealing with this difficulty is extremely simple.

¹ P. 98.

² Examination, November 8th.

"Fawkes," he says, "indeed speaks of himself merely as a watcher whilst others worked. But he was a modest man, and there can be no reasonable doubt that he directed the operations."

Of the reasonableness of such a conclusion I will say nothing, but is it not clear that on principles of interpretation such as these, it matters extremely little what our documents say?

Another difficulty regarding the same mine relates to the earth and stone dug out of it. How could these be disposed of without attracting notice? Mr. Gardiner acknowledges¹ that the quantity must have been too great to be concealed in the little garden adjoining the scene of operations. "The greater part of it," he writes, "must have been disposed of in some other way. Is it so very difficult to surmise what that was? The nights were long and dark, and the river was very close."

Such an explanation may perhaps seem plausible, but the fact remains that Faukes, the only witness who says anything on the subject, speaks of the garden as the place of concealment, and says nothing about the river. It would also appear that we require to know a good deal more than we do about the locality in order to satisfy ourselves that the river would have been practically available for such a purpose. Although Mr. Gardiner strongly contends that there were no houses in the way, towards the water's edge, one of the plans which he reproduces² shows a solid block of buildings down to the Thames. Moreover, it is obvious that, if they were to be kept out of sight, the stones at least from the Parliament wall would need to be immersed below low water-mark, as they would otherwise be left high and dry at every ebb for all folk to see. But it is at least possible—and the distance to which, according to the plans, the Parliament Stairs projected, makes it very probable—that the bank shelved gradually in, so that, in order to reach the required spot, the conspirators would have had to wade or flounder in the dark with their burden of stones over a bed of ooze. If we are to argue apart from evidence as to what may have been, many circumstances can be imagined which would stand in the way of the course which, as Mr. Gardiner assumes, the plotters must have adopted, though they have themselves omitted to mention it.

In some instances we are enabled to satisfy ourselves more fully as to the precise value of such speculations. The alleged

¹ P. 103.

² P. 81.

bigamy of Thomas Percy is a case in point, which Mr. Gardiner holds to be established by no evidence worthy of attention. He says ¹ that my charge against Percy was "probably" received from Bishop Goodman, whose belief that Percy was a bigamist rested on information derived from a lady, "who may very well have been as hardened a gossip as he was himself."

But Goodman was a contemporary, and his account is very explicit. ² "It is certain [he writes] that he was a very loose liver—that he had two wives, one in the south and another in the north. An honourable good lady said she knew them both; his wife in the south was so mean and poor, that she was fain to teach school and bring up gentlewomen; there are yet some living that were her scholars."

Moreover, I neither cited Goodman's testimony upon this point, nor had it in my mind. The charge I held to be proved by the fact, attested by documents in the Public Record Office, that on the 5th of November a Mrs. Percy was apprehended in London, and on the 12th of the same month, one was apprehended in Warwickshire, the magistrates in each instance reporting to Salisbury what they had done, and their reports being still extant. This agrees well enough with Goodman's account, and so does the description of the person apprehended in London, supplied by Justice Grange. ³ "She saith her husband liveth not with her, being attendant on the Earl of Northumberland. She hath not seen him since midsummer. She liveth very private and teacheth children."

Such was the evidence on which I based my statement, that Percy had two wives living. But Mr. Gardiner brushes it away:

The papers in the Public Record Office [he says, ⁴] prove nothing of the sort. On November 5th, Justice Grange writes to Salisbury that Percy had a house in Holborne, "where his wife is at this instant . . . I have caused some to watch the house, as also to guard her until your Honour's pleasure be further known." There is, however, nothing to show that Salisbury did not within a couple of hours direct that she should be set free, as she had evidently nothing to tell; nor is there anything here inconsistent with her having been arrested in Warwickshire on the 12th, especially as she was apprehended in the house of John Wright, her brother. What is more likely, than that, when the terrible catastrophe befell the poor woman, she should have travelled

¹ P. 117.

² *Court of King James*, i. 102.

³ *Gunpowder Plot Book*, n. 15.

⁴ P. 116.

down to seek refuge in her brother's house, where she might perchance hear some tidings of her husband? It is adding a new terror to matrimony, to suggest that a man is liable to be charged with bigamy, because his wife is seen in London one day and in Warwickshire a week afterwards.

Mr. Gardiner has strangely omitted to mention a circumstance which is of great importance in connection with the ingenious conjecture which he wishes us to accept as an historical fact. In the house of the Mrs. Percy arrested in Holborn, as the same Justice Grange informs Salisbury, was taken along with her a Catholic priest, the Benedictine Father John Roberts, who five years later suffered at Tyburn for his priesthood. At the time of his arrest, or at least on the same day, his priestly character was known to the authorities,¹ and, as it was felony to harbour a priest, it appears in the highest degree improbable that the lady in whose house so compromising a lodger was discovered should have been liberated in the free and easy manner suggested by Mr. Gardiner, especially at a moment when the Government were, as he declares, so completely in the dark as to the accomplices of Faukes, and every such stranger was for them a probable traitor.

It so happens, moreover, that this very Father Roberts supplies us with clear evidence that, in spite of Mr. Gardiner's plea, Percy *was* a bigamist. When examined before the Bishop of London, December 21, 1607, Roberts, amongst other particulars regarding himself, gave the following :

"That upon the said day [of the discovery of the Gunpowder Treason] he was taken in the upper end of Holborn, in the house of Thomas Percy, Esq., his *first* wife, and was then committed to the Gatehouse by the Lords from the Council Table."²

The mention of this wife as Percy's "first" is clear proof that he had a second ; and as the first was still living, he must certainly have committed bigamy. It is begging the question to speak of the London wife as John Wright's sister : the lady arrested on the 12th at Wright's house, Lapworth, was indeed so, and apart from all other considerations, it seems very unlikely that Percy should have consigned the sister of his

¹ *Dom James I.* xvi. 10. "Points mentioned in the papers and letters found in Percy's house, likely to be the priest's, Roberts, which was taken there."

² *Old Brotherhood MSS.* (Good Shepherd Convent, Hammersmith). Copy of the Examination, certified by Robert Christian, Deputy Registrar.

friend and fellow-conspirator to neglect or poverty in the metropolis.

It would not be difficult to adduce other instances in which, as seems to me, the charges brought by Mr. Gardiner against my method of working lie rather against his own. The above, however, suffice for my purpose, which is to illustrate, and not to exhaust this branch of the question. In my next article I shall consider the conclusions he deduces from the evidence, which certainly, if correct, altogether dispose of mine.

II.

It is not, at present, my purpose to consider all the points raised by Professor Gardiner in connection with the Gunpowder Plot. It was not to be expected that an historian of his eminence could approach the subject without throwing fresh light upon it, by indicating lines of argument, the following out of which might lead to sound results. At least, we may be sure, his practised eye will recognize where the key of the position lies, and thus simplify further operations by restricting their scope. This, if I am not greatly mistaken, he has done, indicating certain points of the traditional story by which, apart from all the rest, its truth or falsehood must be determined, thus making it possible to pursue our investigations with some prospect of finality.

With the new chapter which thus opens to us I do not intend to deal in *THE MONTH*, reserving it to be treated apart, as I hope, very shortly. All that I now propose to do, is to examine Mr. Gardiner's criticisms upon my former arguments, which I still believe to have their value, hoping to make it appear that they were not advanced without some grounds, and that, despite the assault of so formidable an opponent, they are not altogether demolished.

Before we attempt to follow the history of the Plot as Mr. Gardiner draws it out of the evidence, one or two considerations must be premised.

In the first place, even if we go the length of supposing that the Government first instigated the conspiracy, and still more if they only knew of it and nursed it—in its developments the conspirators themselves must obviously have counted for something. Mr. Gardiner, who begins by charging me with having

no hypothesis on which to work, appears afterwards to assume that I am pledged to the theory that the Earl of Salisbury arranged the scheme in every detail, and had the whole history in his pocket when he commenced his investigations. Nothing appears to me less probable than that things should have been done in such a way. A knot of men known, as the Secretary described the conspirators, to be "fit for all alterations," might well be incited to undertake a desperate enterprise, or, being discovered to have undertaken it spontaneously, might be suffered to go on, with full assurance that they would hopelessly compromise themselves, and an expectation that they would draw in others whom it would be desirable to compromise. But when the time came for striking a blow, there would be much to learn as to how far such anticipations had been realized. It will hardly be denied that Babington's conspiracy, whatever its precise origin, was sedulously watched and fostered by Secretary Walsingham, through his agents, Gifford, Maude, and Pooley, the correspondence of the confederates passing through his office and being thence forwarded to its destination, while Babington himself reposed the most implicit confidence in the last-named spy, by whom, as his friends believed, he was lured to destruction. Yet for all this, his plot was produced before the world as a genuine danger to Queen Elizabeth and the State, happily arrested by the vigilance of her Ministers, and while we may read the trial of the unhappy men who engaged in it, without discovering any trace of the strings to which they unwittingly danced, there are many particulars regarding their proceedings for which they alone were evidently responsible.

Another point is concerned with the character of those who conducted the enquiry into the Gunpowder Plot. Mr. Gardiner strongly insists on the argument that the Commissioners and other official persons engaged in this duty were honourable men; that, had there been fraud in the proceedings, they must have been cognizant of it; and that, had they been cognizant, it is impossible to suppose they would never have protested against the part they were made to play in countenancing a lie. "Has [Father Gerard]," he asks,¹ "seriously thought out all that is involved in this theory?" I must answer that I have thought it out, and there seems to me no manner of doubt that the Commissioners and others engaged in the investigation, again

¹ P. 41.

and again did the very thing which Mr. Gardiner thinks it preposterous to suspect them of doing. Nothing, in fact, is so shocking as the evidence afforded by the documents remaining to us, of the open and shameless disregard of truth and justice on the part of all, high and low alike, who were connected with the official side. A few incontestable examples will suffice to establish this charge.

In the published version of Guy Faukes' celebrated confession of November the 17th, a clause was introduced for the purpose of incriminating an English exile, Hugh Owen, of whom no mention whatever is made in the original, as can be seen by inspecting the said original, still preserved in the Record Office. The Lords Commissioners had not witnessed the original confession, but their names appear in print as having done so, the document being described as "The True Copy of the deposition of Guido Fawkes, taken in presence of the Counsellors whose names are underwritten." These noblemen, therefore, not only allowed themselves to appear as having witnessed a deposition which they never witnessed, but, which is still more important, as guaranteeing the correctness of a version, containing an important clause, involving a capital charge against an absent man, which was in fact a forgery.

Faukes and Thomas Winter—in their confessions of November 9th and January 9th respectively—described the oath of secrecy taken by the associates, and their subsequent Communion at the hands of Father Gerard, the Jesuit; but both added that Gerard was not acquainted with their design,—Winter explaining that he was not present when they took the oath. In both cases Sir Edward Coke, the Attorney General, marked off with red ink the passage exculpating Gerard, as not to be read in court, and in Faukes' confession, he wrote in the margin the word "Hucusque," that is to say, "Stop here," the exculpatory clause being thus deliberately suppressed. He then went on in his speech to declare that Gerard *administered* the oath to the plotters,¹ although not only the Commissioners, but every clerk in court must have been able to see that such a statement was a direct contradiction of the evidence, and that this had been falsified in order to make the statement possible. This dishonest version of the story then went forth to the world in the "King's Book," published with the

¹ *True and Perfect Relation*, sig. II, 4 b.

fullest official sanction, and with the names of the honourable Lords Commissioners prominently displayed to give it weight.

It would doubtless appear incredible that such things could be done, did we not find that without question they actually happened, and we are thus enabled to gauge, at least to some degree, the extraordinary perversion of all ideas of truth and honour prevalent at the time—men accused of high treason being apparently considered as noxious vermin whom it was a proof of loyalty to destroy, *per fas et nefas*.

The very confessions of which we are speaking furnish another example of the extent to which this kind of thing was practised by men whose position would seem to make it an outrage to attribute it to them. In reply to the foreign Jesuit, Eudaemon Joannes, who undertook the vindication of Father Garnet and his religious brethren, Bishop Robert Abbot, of Salisbury, was employed to write a Latin treatise for the benefit of Continental Europe; the original documents connected with the Plot being placed in his hands, and freely quoted in his *Antilogia*. His adversary had maintained that, on their own showing, the English Government denounced the Jesuits as accomplices in the intended crime, before they had any sort of evidence to connect them with it. To this Abbot replies,¹ with much vehemence and virulence, that such an assertion is an unblushing lie, inasmuch as, amongst other things, Faukes had acknowledged that Father Gerard had bound Catesby and others by the most solemn obligations to consummate the treason, and he appeals in confirmation to the very confession in which the passage exculpating Gerard had been marked for omission by Coke. His adversary, of course, would never be able to see this document, and so could not know, as Abbot, who had it in his hands, must have done, that it testified precisely to the contrary.

Neither is the instance of these particular depositions by any means singular or solitary. Sir Edward Coke habitually made selections from the confessions or replies extracted from the prisoners, indicating by letters in the margin which portions were to be read in court and which suppressed. All passages which told against the accused were produced as evidence, and all passages or parts of passages which told in their favour were omitted. So unscrupulously was this process employed as to

¹ *Epistola ad lectorem*, f. 4.

amount, in the judgment of Mr. Jardine,¹ to downright forgery of evidence, the suppressed passages in several instances altogether changing the signification of those retained. Yet no attempt was made to conceal what was thus shamelessly done from the eyes of even subordinate officials. All who were connected with the management of the case must have been perfectly well aware of the treatment to which the documents were subjected.²

The celebrated "interlocutions" between Fathers Garnet and Oldcorne in the Tower, overheard by spies placed in ambush for that purpose, afford another example. A comparison of the reports taken down by these listeners, with the versions produced in court, reveals the fact that expressions were altered, with the manifest object of giving a bad complexion to what in the original was harmless. Yet this dishonest version was affirmed upon oath, and promulgated to the world by the very men who had the original documents before them.

In view of instances such as these, I do not see how it is possible to build any argument upon the high character of the men who lent themselves so freely to the practice of what Mr. Jardine styles "pure and unmixed injustice." As Mr. Phillimore, no prejudiced witness, remarks with special reference to the trial of Father Garnet: "I would appeal to any reader whether the Crown Judges or lawyers of the Tudors and Stuarts, who hired out their voices and understandings to slay

¹ *Criminal Trials*, vol. ii. p. 358.

² A notorious example is furnished by Father Garnet's autograph declaration of March 13, 1605-6. Sir E. Coke directed that the paragraphs which he marked A, B, D, and F, should be read, the all-important passages which I italicize being omitted. For the sake of brevity I somewhat curtail the omitted portion.

A. "I have remembered some things, which, because they were long before my knowledge of the Powder acts, I had forgotten.

B. "About Michaelmas, after the King came in [1603], Mr. Catesby told me there would be some stirring, seeing the King kept not promise.

C. "*And I greatly disliked it, saying it was against the Pope's express commandment. . . . Therefore I earnestly desired that he and Mr. Thomas Winter would not join with any such tumults. . . . He assured me that he would not. But neither he told, nor I asked any particulars.*

D. "Long after this, about Midsummer was twelvemonth [1604], either Mr. Catesby alone, or he and Thomas Winter together, insinuated that they had something in hand, and that they would sure prevail.

E. "*I still reproved them, but they entered into no particulars.*

F. "Soon after came Mr. Greenwell [*i.e.*, Greenway] to me, and told me as much.

G. "*I greatly disliked any stirring, and said, 'Good Lord! how is it possible that God work any good effect by these men? These are not God's knights, but the devil's knights,' &c.*

the innocent, were in any moral sense superior to the assassins who hired out their daggers to gratify the revenge of an Italian potentate. Indeed the evil was so much the greater in England, as in that country those crimes were perpetrated by men of rank, and education, and character—of which in Italy, the lowest ruffians only were the instruments.”¹

And what is to be said concerning the value of the documentary evidence which has come to us through such hands? Mr. Gardiner, who believes that “the action of the Government was on the whole straightforward,”² appears to take for granted that the evidence is presumably trustworthy, and that if in particular instances traces of foul play be discovered, it is unfair to extend the atmosphere of suspicion which these create to other documents. Moreover, he lays far less stress than might be thought their due upon the examples of dishonest tampering with evidence which are undeniable. He never mentions the fraudulent interpolation in the “King’s Book,” directed against Owen. Coke’s suppression of the evidence in favour of Father Gerard he acknowledges and condemns, but endeavours to minimize its import by excuses which it is almost incredible should be alleged by an historian of repute. Gerard, he says,³ was not on his trial, and, therefore, could not be affected by anything Coke might say; the men who were on their trial could not be injured by a misrepresentation regarding Gerard; finally, the confession thus mutilated “contained many obvious falsehoods, and Coke may have thought that he was keeping back only one falsehood more.” It might also be gathered from Mr. Gardiner’s words that this instance of falsification stands alone, whereas it is but one, and scarcely the worst, of many.

All this being considered, I do not see how we can feel more assurance as to the authenticity of the documents, than as to the good faith of the honourable men from whom we receive them. Whatever his vagaries in practice, no man could better enunciate excellent, and even edifying, principles, than Sir Edward Coke,⁴ and one of these is much to our present purpose. When preparing his case for the arraignment of the same unfortunate Hugh Owen, Coke, amongst other things, laid down

¹ *History of the Law of Evidence*, p. 155.

² P. 199.

³ Pp. 178, 179.

⁴ “Lord Coke lays it down clearly, ‘that no exemplification ought to be of any *part* of a letters patent, or of any other record, or of the inrolment thereof, but the *whole* record or inrolment ought to be exemplified, so that the whole truth may appear, and not of such part as makes for one party and nothing that makes against

this maxim,¹ *Qui semel est malus, semper præsumitur malus, in eodem genere mali*, which I may be allowed to render, "He who is found to have falsified evidence in some cases, may be presumed to have done so in others."

It requires but a slight acquaintance with the documents of which we are speaking, to know that but few of them could possibly pass muster, not only in a modern court of law, but in any transaction of ordinary life. They abound in features of the most equivocal nature. Many come to us only in copy, with no attestation of concordance with the original. Dates are altered. Names of witnesses are not subscribed, and we are only told by the prosecuting counsel that the truth of the contents was duly attested. Copious alterations and additions are inserted between the lines, there being nothing to show that these were made before signature. Yet it seems to be assumed that documents of this description, which, if they related to our own times, would not be worth the paper on which they are written, must be accepted as unimpeachable because they date from the reign of James I., and, it may be added, because they tell against Catholics. But evidence does not, like wine, improve with age, and if this particular evidence were found to support in all respects the account of the Gunpowder Plot which it was intended to establish, we should still, I venture to think, be a long way from a full assurance upon the subject.

But does the evidence do so much as this? Here we approach what Mr. Gardiner will, I think, agree with me in considering the principal point of his attack upon my position. He maintains that the documents in our hands evidently show the Government to have been, at first, quite in the dark as to the Plot and its authors. They had Faukes in their hands, who had been apprehended early on the 5th of November, and they could be tolerably sure that Percy had to do with the business, since the cellar, where the powder was stored, was rented by him. But beyond this, says Mr. Gardiner, they knew nothing, and their knowledge only grew with the admissions painfully

him.' Yet such was the consummate wickedness of this man, that he who lays down this principle in civil cases, actually, when prosecuting men for their lives, scored particular passages in depositions to be read against the prisoner, and suppressed those passages which would have proved his innocence." (Phillimore, *History of the Law of Evidence*, p. 153.)

¹ Proofs against Owen, presented to Parliament, April, 1606 (*Dom. James I.* xx. 52, margin).

extracted from Faukes, or with information of sedition raised in the shires by some Catholic gentlemen, whom they naturally connected with the abortive design happily frustrated in London. Faukes, on his part, Mr. Gardiner continues, was resolved to compromise no man, especially no priest,¹ and would not discover his accomplices till he was racked beyond endurance—"it required the horrible torture of the 9th [of November] to wring a single name from him." The action of the Government meanwhile, we are told, was that of men groping in the dark, all that they knew, so late as the evening of the 6th, being "that an unknown number of conspirators were at large—they knew not where—and might at that very moment be appealing—they knew not with what effect—to Catholic landlords and their tenants, who were, without doubt, exasperated by the recent enforcement of the penal laws."²

It seems to me, however, that this display of ignorance was somewhat overdone, and that the Government cannot possibly have been so much in the dark as they professed to be. They had, we are told, no notion who the conspirators were, and were utterly at a loss as to whom they should connect with Faukes and Percy in their desperate enterprise. But, in the letter which he composed for the information of English Ambassadors on the Continent, the Earl of Salisbury plainly declared that even before he received, through Lord Monteagle, the warning which led to the discovery, he was perfectly well aware that most of the men actually concerned were engaged in preparing violence of some sort in connection with the assembly of Parliament. "Not [he wrote] but that I had sufficient advertisements that most of those that now are fled, being all notorious recusants, with many others of that kind, had a practice in hand of some stir this Parliament." He moreover described them not only as "gentlemen spent in their fortunes," and "fit for all alterations," but likewise as "all inward with Percy." Is it conceivable that this important information should have suddenly escaped his memory just at the moment when it became practically valuable, or that he should be at a loss to know whom to connect with Percy in such a matter?

So, likewise, as to the danger of rebellion in the provinces. The passage quoted above is not the only one in which Mr. Gardiner represents the anxiety of the Government upon this head as very real and acute. It is known that the man

¹ P. 20.² P. 27.

who shot Catesby and Percy received a handsome pension for his service, though these were the very men whom it was most important to capture, if the whole truth were to be discovered, and the Government emphatically declared that they had been supremely desirous to have them taken alive. This, not unnaturally, has been considered a suspicious circumstance, lending colour to the suggestion that it was not desired in high quarters to have the whole truth told. Mr. Gardiner sweeps away this difficulty, no less easily than others :¹ "To the theory [he writes] that Salisbury wanted inconvenient witnesses disposed of, because the man who shot Percy and Catesby got a pension of two shillings a day, I reply that the Government was more afraid of a rebellion than of testimony."

But this is just the point to be proved, and unfortunately for so summary a solution, Salisbury has left it on record, that of rebellion he had no fear at all. In the same letter to the Ambassadors already cited, which, as Mr. Gardiner argues, was written on the 7th of November, just when, if ever, the proceedings of the rebels might have appeared formidable, he spoke of them and their rising with derision, and unhesitatingly predicted its immediate collapse. "It is also thought fit," he wrote, "that some martial man should presently repair down to those counties where these Robin Hoods are assembled, to encourage the good, and terrify the bad. In which service the Earl of Devonshire is used, and commission going forth for him as General. Although I am easily persuaded to believe that this faggot will be burnt to ashes before he shall be twenty miles on his way."

But if the Government cannot possibly have been so much in the dark as we are asked to believe when commencing their investigations, it is likewise clear that the evidence extracted, or said to have been extracted, from Faukes was by no means so meagre as we are told it was. Here I must presume to differ from Mr. Gardiner on a plain matter of fact. He says that Faukes began with a resolute refusal to name any accomplices, and in particular was so firmly determined to incriminate no priest, that he would not even own to having received the Sacrament as a pledge of fidelity to his bad purpose. We have, however, but to look at his very first confession to see that in it he named, or was made to name, four persons, one of them a priest. I cannot, I confess, feel any very great assurance as to

¹ P. 119.

the genuineness of this document, for we have it only in a copy, which unfortunately is the case with other highly important pieces of evidence, and, moreover, a copy which has come through the hands of Sir Edward Coke, as appears by various annotations, and an interlinear addition, in his writing. Mr. Gardiner, indeed, explains that a copy of this sort is almost as good as an original, yet, knowing the peculiar views entertained by the officials concerned as to the treatment of evidence, I am unable altogether to share his confidence. But, taking the document as it stands, we find that Faukes gave the following important information regarding his recent visit to the Low Countries: "[He] returned to Brussels, and remained there about a month, and saw Sir William Stanley, Hugh Owen, Ligon, Greenway, and divers other Englishmen."

Of the persons thus named, the most important is Father Greenway. There is no other evidence, and it is exceedingly unlikely, that he had been in Flanders at the time spoken of; but undoubtedly when Faukes made this statement he was in England; testimony being thus furnished, apparently without any difficulty, against one whom it would certainly endanger, and, moreover, one of the very persons whom, we are told, Faukes was most firmly resolved to screen, a priest and a Jesuit.

Scarcely less remarkable is the mention of Hugh Owen.¹ He was the man whom beyond all others the Government desired to incriminate, and it was of him that Salisbury wrote in his celebrated instruction to Coke: "You must remember to lay Owen as foul in this as you may."² For this end it was greatly desired, as we know from a letter of Salisbury's to Sir Thomas Edmondes,³ to extort from Faukes something that might be used against Owen. But this is just what Faukes would not supply, not even after the "terrible torture of the 9th." In his confession of November 17th, the longest and

¹ I had pointed out that it is a mistake to describe Owen as a Jesuit—as is frequently done—he being a captain in the Archduke's army. Mr. Gardiner, however, remarks [p. 60, note] that the error is not without warrant in the original documents, since a paper of intelligence received on April 29, 1604, begins: "Father Owen, Father Baldwin, and Colonel Jaques, three men that rule the Archduke at their pleasure," &c. But the paper in question [*Dom. James I.* vii. 86] is professedly only a copy, and that it is, in this respect, an incorrect copy, is shown by the version of the same document presented to Parliament by Sir Edward Coke [April, 1606, *Dom. James I.* xx. 52], which begins, "*Hugh Owen, Father Baldwin, and Colonel Jaques.*"

² *Dom. James I.* xix. 94.

³ November 14, 1605. (*Stowe MSS.* 168, 54.)

most ample which he ever signed, the name of Owen did not occur, so that the Government had to adopt the rude device of fabricating and interpolating a passage for Owen's benefit in the version of this confession which they published to the world as has already been said.¹ Not till two months later is Faukes represented as having given the required evidence about Owen and then in a confession which is undoubtedly far more suspicious even than that which we are considering.²

Such being the case, I find myself unable to agree with Mr. Gardiner's appreciation of the first confession of Faukes, made on November 5th, which is the corner-stone of his whole argument. Having presented to his readers much of what it contains, but not the passage to which I have drawn attention, he thus continues :

After this it will little avail Father Gerard to produce arguments in support of the proposition that the story of the plot was contrived by the Government as long as this burning record is allowed to stand.³

That the record may fitly be described as of supreme importance, I am not disposed to deny ; but it seems to me to tell altogether the other way, and to be sufficient—even were there nothing else—to cast grave suspicion upon the whole series of documents which follow in its wake. It looks to me, if I must have an hypothesis, as though the Government, while in no doubt as to the complicity of the turbulent gentlemen on whom the Secretary had his eye, were casting about for the best means of giving their hair-brained enterprise a wider scope, and began by making what was presently perceived to be a false start. For this is one of the most remarkable circumstances connected with the admission ascribed to Faukes, that his interrogators let it drop altogether out of sight, and never attempted to work the mine which it seemed to open for them. We should naturally expect to find them extremely inquisitive as to the nature of the communications which had passed between Faukes and Greenway ; but on this subject no single

¹ The following is the portion of the confession thus dealt with, the words here italicized being those inserted by the Government : "About Easter, the Parliament being prorogued till October next, we dispersed ourselves ; and I returned into the Low Countries, *by advice and direction of the rest, as well to acquaint Owen with the particulars of the Plot, as also lest by my longer stay I might have grown suspicious, and so have come in question.*"

² January 20, 1605—6. See *What was the Gunpowder Plot?* p. 191.

³ P. 21.

word seems afterwards to have been breathed; the name of Greenway does not occur in any other of Faukes' numerous examinations. It was undoubtedly attempted to obtain from him evidence against Owen, but there is nothing to connect such attempts with the particular statement here ascribed to him. Ligon, moreover, never appears again in our history, while of Stanley, Faukes had nothing to say until the most mysterious of all his depositions was made, on the 20th of January following.

It therefore appears either that Faukes was ready from the first to communicate the very kind of information which Mr. Gardiner declares him most resolutely to have withheld, or—which appears far more probable—that his confession has not come down to us in an authentic form.

It would likewise seem that as regards his actual accomplices, the Government were not greatly dependent upon information obtained from Faukes, that they manifested no great anxiety to extract it, and that if he failed to tell more, it was largely because he was not asked. In the above examination of November the 5th, amidst a multitude of questions as to his own doings and intentions, we find but one touching this point: "Being further demanded who were party or privy to this conspiracy, answereth, that he cannot resolve to accuse any," and there the matter apparently dropped. On the 6th, he was twice examined, most of the questions put to him appearing decidedly trivial—respecting the making of a door into the cellar, the mode of carrying the powder, and the like; but of his associates no more was demanded than who had helped him to shift the barrels.¹ On the same day, however, Chief Justice Popham was able to give a surprisingly full list of the traitors, containing seven names, exclusive of Percy and Faukes;² particulars being added as to their probable whereabouts, which indicate that the authorities knew a good deal about these individuals. Mr. Gardiner considers³ that Popham was clearly proceeding upon suspicion only, and had no special information to guide him. His grounds for suspicion must, however, have been

¹ There was also a question about some persons in exile—Sir William Cobb, Sir Edmund Baynham, and the inevitable Hugh Owen. Also about one Griffin, of whom no more is heard. (Perhaps the same as Griffith, a tailor, into whose hands a letter addressed to Faukes seems to have come. *Dom. James I.* xvi. 17.)

² Viz., Catesby, Rokewood, T. Winter, Keyes, John and Christopher Wright, and Grant. (*G. P. B.* 16 A.)

³ P. 24.

remarkably definite to enable him to fix upon all the individuals who had taken any active part in the conspirators' operations, and to mention no single person outside their ranks. On the 7th, the names of the majority of the conspirators were suggested to Faukes, but, although he refused to say anything, the Government by this time at least stood in little need of his assistance, for on that same day a proclamation was issued for the apprehension of these individuals. In his deposition of the 8th—whereof we shall hear more—no names are mentioned, though many particulars were given concerning the number of the gang; but to the same day Mr. Lemon assigns a list in the handwriting of Levinus Munck, Salisbury's Secretary,¹ containing the names of all the conspirators except Bates, the existence of which list Mr. Gardiner has apparently overlooked. It is not till the 9th, as he says, that we find his accomplice's names (precisely the same list as Munck's) given upon the authority of Faukes, but it is by no means evident that this was extorted by the "terrible torture" which he undoubtedly suffered on that day. His confession is written upon both sides of a sheet of paper, and is attested by his signature upon each. It is on the first page that the names are given, along with the statement that they received Communion from Father Gerard, which the deponent may have been even more reluctant to make; and the contents of this page are acknowledged in a hand which, although certainly not his normal one, bears no resemblance to the hideous scrawl appended on the second. It was evidently not the names of his confederates, but something else, which it was found so hard to get from him. What this was, it is impossible to say, for many questions were doubtless asked of a prisoner under torture of which no record was kept; but if it were anything of what appears upon the second page, it was either an acknowledgment that he had been to the house in Enfield Chase where Walley (*i.e.*, Garnet) often resided,² or another, "that there was speech amongst them to draw Sir Walter Raleigh to take part with them, being one that might stand them in good stead [as others of like sort were named]."³

Another point in regard of which the ignorance professed

¹ *Gunpowder Plot Book*, p. 133.

² White Webbs.

³ The words in brackets are added, in a different hand from the rest.

by the Government is hard to credit, is the conspirators' abandoned mine, concerning which something has already been said. As I have pointed out, the truth or falsehood of the story as to this remarkable piece of engineering is not of the essence of our present enquiry, for the conspirators may really have worked at it, and the Government all the time have known perfectly well what they were about. I maintain no more than this, that the story abounds in difficulties so grave as to make it well-nigh incredible that the things said to have been done actually occurred, and one such difficulty is raised by the point we are now considering. Mr. Gardiner tells us¹ that on the 7th of November, the third day after the discovery of the conspiracy, and the seizure of the conspirators' premises, neither the Government officials, nor the landlord and others living on the spot, had discovered the existence of this excavation, which they only learnt by means of information supplied by Faukes on the 8th. He considers, moreover,² that it is an insult to the sharp wits of the plotters, to suppose that they did not close up the mine as soon as it was abandoned. But how were they to do so? The earth and stones which had been dug out had been hidden away somewhere—Mr. Gardiner believes they were at the bottom of the Thames,—and although he thinks that the relaying of a couple of flag-stones was all that was necessary, it does not appear to me that practical workmen will agree with him, for the tunnel said to have been made had to be large enough for the conveyance of powder barrels. Certainly, if they could so effectually obliterate the traces of their work, these wonderful amateurs might have given lessons to professionals.

A most singular feature of this famous mine, I may here remark, is its apparent invisibility. No one except its constructors appears ever to have seen it. Not only did no person observe it in the making, nor any divine its existence after the seizure of the premises, but, even when it was revealed to the authorities, we hear nothing of its being opened and inspected, although a description of it would certainly have furnished a most appropriate and effective item for the history of the conspiracy. What is still more extraordinary, Sir Edward Coke strongly insisted at the conspirators' trial, that if the cellar had not been hired, and the original project of the mine had been persisted in, it

¹ Pp. 29, 31.

² P. 104.

would have been practically impossible to have discovered it: the treason, he declared, "could hardly or not at all have been discovered, for the mine was neither found nor suspected until the danger was past, and the capital offenders apprehended, and by themselves, upon examination, confessed." That is to say, if the mine had been completed and the powder stored in it, the Government, although they had been warned of impending danger through Lord Monteagle, and had taken such measures as they actually did, to avert it, would have been unable to detect it. But does it not seem, on the contrary, that detection would in that case have been absolutely inevitable? The mine must have been left open for Faukes to get in and out, and to make his trains and other little arrangements amongst the casks; not even the couple of flagstones would have shrouded it. The orifice of a tunnel, which the keeper of the place knew to be no proper feature of the locality would be just the thing to attract attention. Coke's assertion is obviously ridiculous; but doubtless it was made for a purpose, and might perhaps avail to persuade the public not to expect to see the subterranean works of which they heard so much.¹

¹ Mr. Gardiner adds [p. 104], "How careful the plotters were of wiping out all traces of their work is shown by the evidence of Whynniard's servant, Roger James, who says that about midsummer, 1605, Percy, appearing to pay his quarter's rent, 'agreed with one York, a carpenter in Westminster, for the repairing of his lodging,' adding, 'that he would send his man to pay the carpenter for the work he was to do.' Either the mine had no existence, or all traces of it must have been effectually removed before a carpenter was allowed to range the house in the absence of both Percy and Faukes. I must leave it to my readers to decide which alternative they prefer."

I am quite willing to do so too.

He further takes exception to my statement that we learn on the unimpeachable testimony of Mrs. Whynniard, the landlady, that Faukes had workmen in to repair the house within a day of the intended explosion. "The 'unimpeachable testimony,' [he writes] is that—not of Mrs. Whynniard, but of Roger James, who says, that the carpenter came in about midsummer, not on November 4."

Roger James does indeed say, as we have seen above, that a carpenter was employed by Percy at midsummer, but Mrs. Whynniard herself, in her examination of November 7th, [*G. P. B.* 39] after saying that Faukes had paid the last instalment of rent on the previous Sunday [Nov. 3] thus continues: "And further this examine cannot say, having not seen him since, but as she hath heard by her servants he hath been in the lodging since, and set carpenters and other workfolk on work for the mending and repairing thereof." This seems to me perfectly clear, and I cannot see that because Percy had a carpenter in at midsummer, it follows that Faukes did not employ others in November.

III.

There remains something to say concerning a mode of reasoning much favoured by Mr. Gardiner in dealing with evidence, which appears to be liable to the same objections as habitual indulgence in the use of hypotheses, as allowing too much scope to ingenuity of speculation, and easily blinding a writer to alternatives at least as weighty as those upon which he relies.

Thus, when treating of Faukes' examination of November 9, of which we have heard so much, and the passage in it exonerating Father Gerard, and suppressed by Coke, Mr. Gardiner argues¹ that if Faukes had not made this exculpatory statement it would assuredly not have appeared in the document. Doubtless it would not: but what then? As I have pointed out, it is no part of my hypothesis that all such examinations are fabrications. Those actually signed by the deponents clearly represent what they could be induced to say, or at least to subscribe. But Faukes, as Mr. Gardiner acknowledges, was no coward, and as Salisbury himself complained,² both he and his accomplices obstinately refused to give evidence against priests, "yea, what torture soever they be put to." Obviously it would have been no easy matter to obtain Guy's signature to a statement which, on the face of it, incriminated Father Gerard. It would be far more simple to do what was actually done, and after he had put his name to what in itself was harmless, to remove a phrase from its setting, thus making it appear as implying an accusation. It was the evidence that could be used in court which really mattered; as it stood on the record, it would meet the eyes only of such as could be trusted.

So again, in what I term the "draft" of Faukes' published confession, the following passage has been cancelled, and does not appear in the finished version. Speaking of the plans of the conspirators after the explosion, Faukes was made to say:

A proclamation was drawn, as well to avow and justify the action, as to have protested against the Union, and in no sort to have meddled with religion therein. And would have protested also against all strangers.³

¹ P. 44, note.

² *Letter to Favat*, December 4, 1605. Brit. Mus. Add. MSS. 6,178, § 625.

³ P. 38.

Upon this, Mr. Gardiner argues thus :

Curiously enough, one of the crossed out passages supplies evidence that the document is a genuine one. . . . [It] contains an intimation that the conspirators did not intend to rely only on a Catholic rising. They expected to have on their side Protestants who disliked the union with Scotland, and who were ready to protest "against all strangers," that is to say, against all Scots. We can readily understand that Privy Councillors, knowing as they did the line taken by the King in the matter of the Union, would be unwilling to spread information of there being in England a Protestant party opposed to the Union, not only of sufficient importance to be worth gaining, but so exasperated that even these gunpowder plotters could think it possible to win them to their side. Nor is this all. If it is difficult to conceive that the Commissioners could have allowed such a paragraph to go abroad, it is at least equally difficult to think of their inventing it. We may be sure that if Fawkes had not made the statement, no one of the examiners would ever have committed it to paper at all, and if the document is genuine in this respect, why is it not to be held genuine from beginning to end?

Here, in the first place, I have to remark, as before, that Mr. Gardiner saddles me with the theory that every jot and tittle of documents such as this, must have been fabricated. But I hold it as certain that, if there were fraud, as much as possible of what the supposed speaker had really said would be worked into his confession, to give it body and verisimilitude. In this very "draft" there is a good deal, especially in the portions which it was subsequently decided to omit, which looks as if it might very well have come from Faukes himself. He may have expressed himself thus about the Union and the Scots, just as he may have uttered the oft-quoted phrase about blowing the Scottish beggars back to their native mountains.

On the other hand, when we begin to talk of what statesmen of the period would or would not do, I cannot but think that we plunge into a maze of which we have not the clue. Their ideas of statecraft were altogether beyond us, and I see no great profit in endeavouring to imagine motives for them, which may be true, but also may not. Were I to argue that the idea suggested itself of propitiating King James, by intimating that opponents of his pet scheme of a union were only one degree removed from gunpowder plotters, I do not see that my supposition would be much less plausible than that which we have heard.

It is far more to the point, however, to observe, that if the

matter had been so critical as Mr. Gardiner represents, we ought to hear more of it; for in common prudence the Privy Council must have endeavoured to learn how far the conspirators had dealt with anti-unionists to ascertain their sentiments and secure their assistance. But upon this subject we find no single word in any other portion of the evidence either of Faukes or of any other.

Once more. Faukes upon two occasions¹ vehemently protested that both he himself and his friends would have shed the last drop of their blood to resist foreign invasion; and in Winter's published confession it is incidentally noted, as a chief feature of the conspiracy, that the Catholic cause should be served without foreign aid. "Are we seriously asked to believe," exclaims Mr. Gardiner,² "that Salisbury placed this crown of sturdy patriotism on the brows of those whom he wished to paint as the most atrocious villains?"

But here we are at once confronted by a difficulty on the other side, at least equally serious. It was a main point of the Government's case that these very men, Faukes and Thomas Winter, had been actively engaged in trying to arrange for a Spanish invasion of England, and had taken up the gunpowder idea, only when the other failed them. As Sir Edward Coke expressed it,³ "The treason for foreign invasion of England succeeding not, by reason of the peace between England and Spain, then did the Powder Treason rise out of the ashes of the other." At the trial, both of the conspirators and of Father Garnet, much evidence—of a very equivocal character, it is true—was produced, to substantiate the story of these Spanish negotiations, which, according to this evidence, were so conducted that, if they took place, they cannot have been a secret. Is it likely that in such circumstances, and when there was nothing to gain by it, these same men would have attempted to pose as sturdy patriots? On the other hand, if their patriotism were genuine, what about the tale of the Spanish Treason, of which almost as much was made as of the Powder Plot itself? Moreover, so far at least as Faukes was concerned, no crown of any kind was ever placed on his brow, for his protestations on the subject were carefully withheld from the public. Most probably he said what is reported, and meant it.

¹ November 6 and 7.

² P. 59, note.

³ Proofs against Owen, *Dom. James I.* xx. 52.

As for Winter's remark, it appears, as has been said, in his published confession. To say nothing of the character of that document, of which I shall have much to say elsewhere, the Government were extremely anxious to dissociate foreign powers, Spain especially, from all connection with the Gunpowder Plot, a point which Coke placed in the forefront of his speech at the conspirators' trial. Winter's brief observation, which does not otherwise appear to be called for, might usefully serve such a purpose; but his testimony does not very well agree with itself, for he goes on to tell how, after the speech about doing without foreign aid, he went to Flanders, to learn whether the Archdukes would assist the Catholics of England, should they do anything to help themselves.

Before I quit the subject of this documentary evidence, I may perhaps notice a minor charge which Mr. Gardiner has thought fit to advance. In my book I have always described King James' Secretary of State by his family name, as "Cecil." Mr. Gardiner remarks: "Father Gerard appears to show his dislike of Salisbury by denying him his title."¹ This observation affords a good example of the difficulty of penetrating another person's mind, for nothing could be further from my thoughts than the motive thus suggested. I spoke of "Cecil" in the first place, because I found this term used almost universally by contemporary writers, as well as by such recent authorities as the Historical Manuscripts Commission; and in the second, because it avoids the inconvenience of having to speak of the same man, at different stages of his career, sometimes as Sir Robert Cecil, sometimes as Lord Cecil of Essendon, sometimes as Viscount Cranborne, and sometimes as Earl of Salisbury.

Here, for the present at least, I must cease. As in my previous consideration of the question of method, so now in regard of documentary evidence, I have not attempted to deal with every particular which has been urged against me, for this would have involved the obvious inconvenience of producing another book. I am content to restrict myself to some points, which appear to be fair samples of the whole, and to indicate the lines upon which, as I conceive, my position may be maintained.

There remain other portions of the field in which it seems desirable to do the like—in particular the sensational episode of the mine and certain salient features of the topography of

¹ P. 54. note.

the scene of action demand consideration, which must, however, be reserved for another article.

At the same time, as I have already intimated, whatever there may be to say about such matters, and whatever their individual significance, I feel that Mr. Gardiner has reduced them to a position of secondary importance. He has indicated the points around which the real battle must centre, and by confining our attention to which we shall be enabled to obtain results more definite and conclusive than have hitherto appeared possible. With such points it is my intention to deal in a separate publication.

IV.

Respecting material circumstances connected with the Plot, Mr. Gardiner has a good deal to say. I shall confine my attention to a few which seem to be of importance, and treat these with all possible brevity.

(i.) On the constantly recurring question of the mine, I have not much to add to what I have said in my book, and it does not seem to me that Mr. Gardiner has succeeded in disposing of the difficulties which present themselves. I understand as little as ever how the conspirators could have done the things they are said to have done, or, if they did them, how the authorities and the whole neighbourhood can possibly have been ignorant of what they were doing; how the earth and stones can have been concealed, or the noise inseparable from their operations have remained unnoticed. On the latter point Mr. Gardiner speaks as follows:¹

If the conspirators restricted their operations to the night-time, there was little danger of their being overheard. There was not much likelihood either that Whynniard would get out of bed to visit the tapestry or whatever the stuff belonging to the King may have been, or that Mrs. Skinner would want to examine her coal-sacks whilst her customers were asleep. The only risk was from some belated visitor coming up the quiet court leading from Parliament Place to make his way to one of the houses in Whynniard's block. Against this, however, the plotters were secured by the watchfulness of Fawkes.

But, omitting for the present the question as to what dwelling-houses were within earshot, and how far the sound of the operations against the wall would travel, where is the evidence that those operations were restricted to the night-time?

¹ P. 101.

Mr. Jardine supposed that it was only by day that the conspirators worked. "All day long," he writes, "they worked at the mine, carrying the earth and rubbish into a little building in the garden behind the house, and at night they removed it from the building into the garden, spreading it abroad, and covering it carefully over with turf."¹ It is true that we have no evidence to corroborate these particulars, but Mr. Jardine's authority may suffice to show that there is none to contradict them. One thing at least is clear: the miners were not working in the middle of the night, when they heard the men moving coals above their heads, and as there is nothing whatever to indicate that upon this occasion they were pursuing their operations at an unusual time of day, it is natural to infer, with Father Greenway,² that the same persons must previously have been close to them without their knowledge, before they discovered the existence of the coal-cellar. Even were we to suppose the mining work to have been restricted to the night-time, although neither Whynniard nor Mrs. Skinner is likely to have instituted a search, for the purposes specified by Mr. Gardiner, is it not possible that they might be curious as to the noises necessarily produced by iron tools upon a stone wall, "very hard to beat through"? Whynniard at least cannot have been very far away, nor other denizens of his block, and the stillness of the night is not well calculated to render sounds inaudible.

Neither does it seem that the vigilance of Faukes can so effectually have guarded the workers against observation. There is, Mr. Gardiner tells us, no reasonable doubt that he directed the mining operations; but, to do so to any purpose, he must have spent a large portion of his time underground; and, as Winter tells us that none of the party except Faukes ever showed himself outside, none other can have kept watch in his place.

We have also seen that in Mr. Gardiner's opinion there was presumably no great noise made in breaking through the foundations of the Parliament House, because Faukes had probably seen or heard of mining operations in the wars abroad, and so could teach his associates how to conduct them without attracting attention. I am told, however, by military authorities that, in attacking a town or building, mines are not driven through walls or foundations, which could not be done secretly,

¹ *Criminal Trials*, ii. 39.

² F. 44.

but lower down in the ground, clear of all stone-work. It does not appear, therefore, that Faukes' experience, if he had any experience, would have been greatly to the purpose in the case in hand.

The difficulty of keeping things dark must have been materially aggravated by the presence in Percy's house of a housekeeper, or care-taker, or charwoman, whichever she was, Mrs. Gibbins, wife of a porter dwelling hard by,¹ "who kept the lodging for Percy, as before for Mr. Ferrers [the previous tenant]," and was able to give evidence as to the visits he paid to his premises.² It is not easy to understand either how this woman can have failed to notice that strange doings were in progress, or that, noticing them, she should say nothing to her gossips. She was presumably left in charge, when, at Christmas, 1604, the conspirators went off into the country, leaving the mine in process of digging, and she must certainly have been about the house when, a month later, twenty barrels of gun-powder were brought in and stored there,—a somewhat unusual species of furniture.

Another puzzle is presented by a letter of Thomas Winter's.³ It must be remembered that the mining operations are said to have commenced on the 11th of December, 1604, and that by Christmas a tunnel had been made from the starting-point, in Percy's house, to the foundation wall of the Parliament building. The conspirators then separated for the Christmas holidays, resuming their labours in January, by the end of which month they had made some progress in penetrating the wall, at which they wrought, off and on, till near Easter, when they discovered and hired the cellar. On the 22nd of February Winter wrote the letter I speak of, to his brother-in-law, John Grant, who had by this time been enlisted as an accomplice.⁴ It runs as follows :

I had thought to have come down before this, but business hath hitherto and will yet longer keep me away. I am now going to the bath [*i.e.* to Bath] with my Lord Mounteagle, and from thence into Lancashire. My fortunes are so poor that they will not leave me mine own man, if they did, Jack, thou shouldst have more of my company. Commend me to my sister, and wax rich. Newses are asleep. *A. Dio.* Your loving brother,—THO. WINTOUR.

London, the 22th of Feburary.

My L. Mounteagle will receive your brother betwixt this and Easter term, at what time he goeth into Lancashire.

¹ Faukes, November 5.

² Evidence of Roger James, November 7.

³ *Dom. James I.* xii. 89.

⁴ Grant was initiated in January, 1604—5.

This letter was written whilst the toilsome labour of breaking through the stubborn Parliament wall is said to have been taxing to the utmost all the forces of the little company, and it was written to one whom, as privy to their design, there was no object in hoodwinking ; but there is little sign of the writer's having on hand a work which required constant and unremitting labour. A trip to Bath and Lancashire, though it might suit Winter's pocket, could not greatly assist the making of the mine.

The difficulty is enhanced by another letter, written just a month later (March 23, 1604—5), by Robert Winter, elder brother of Thomas, to the same John Grant, informing him that Tom's projected journey [to Flanders] is delayed that he may wait for the going over of Sir Charles Percy, who is about to receive a Colonelcy [in the Archduke's service].¹ Clearly the business of the mine did not occupy much of Tom's time.

The neighbourhood of the river suggests another problem. This, as Mr. Gardiner reminds us, was very close by, so close, indeed, that it is hard to understand how the proposed excavation could possibly have been suited for the storage of powder, or even how the miners can have got so far as they did, without being drowned out. The Thames was in those days a wayward and turbulent stream, prone to overflow its banks, and the buildings standing near were, generally at least, without cellars, which must frequently have been converted into water-tanks, and which, even apart from inundations, the water percolating the loose intervening soil, would keep constantly flooded, making them eminently unsuited for the housing of combustibles.² The floor of Westminster Hall was on the same

¹ "Sir, on thursday reseved I a letter from Tom Wintour Importing the stay of his Journey, by the expectinge of Sir Charles Percy, his goinge over Colonell, which is the only newes ; so, with my hartiest commendation to your selfe and the rest of your good company, I end, this xxiiith of March 1604. Ro. Wintour." (*Dom. James I.* xiii. 32.)

² Mr. Gardiner, following Mr. Jardine, tells us that the mine was started from a cellar in Percy's house. If it was ever started at all, this may have been the case, but there is no evidence that Percy's house had a cellar.

Upon another point connected with this, I am unable to follow Mr. Gardiner. Assuming that Percy's house was built of brick, he tells us (p. 97), that the brick of the period was comparatively soft, and that the wall would, therefore, be easy to penetrate. It is not, however, the bricks or stones that are attacked in such an operation, but the mortar between them. No one would try to drive a pick into the substance of the wall itself. I am moreover informed that the old bricks, though not so hard as ours, were far more tough, and would be more difficult to deal with in the manner supposed.

Another somewhat similar point may here be noticed. I had remarked that as

level with that of the cellar, but a good deal further from the river. On the 30th of September, 1555, as Stow tells us: "The Palace at Westminster and Westminster Hall was overflowen with water, unto the stair-foot going to the Chancery and King's Bench, so that when the Lord Mayor of London should come to present the sheriffs to the Barons of the Exchequer, all Westminster Hall was full of water." It was reported upon the same occasion that a waterman had rowed his wherry up and down various streets in the neighbourhood. On February 4th, 1578-9, as the same chronicler relates, "The water rose so high in Westminster Hall, that after the fall thereof, some fishes were found there to remain." In view of such possibilities the cellar itself was none too safe a place for keeping gunpowder which was meant to explode. To go lower would be to invite inevitable failure.

(ii.) After the mine comes the "cellar," which supplanted it as the headquarters of the Plot. The great question concerning it is this: How far was it a secret place, suitable for the dark design it was made to serve? Mr. Gardiner considers it at least most probable¹ that, even when the thirty-six barrels of powder had been placed there, Mr. Whynniard, from whom it was rented, had free access to it, independently of the conspirators; and that they "must have been content with the strong probability that whenever their landlord came into his end of the 'cellar,' he would not come further to pull about the pile of wood with which their powder barrels were covered." If in such circumstances the plotters could calmly go off, as they did, into the country or to the Continent, for months together, leaving the custody of their terrible secret to such a "strong probability," assuredly they were not only, as Mr. Gardiner believes,² the most estimable and unselfish set of miscreants who ever contrived a diabolical crime, but likewise the most childlike and guileless that ever baffled the vigilance of an English Government.

the conspirators never got to the other side of the Parliament wall's foundation, it is strange that they knew it to be nine feet thick. To this Mr. Gardiner replies (p. 102, note), that in such cases the foundations were always made broader than the wall itself, and that, the wall above being seven feet thick, "the diggers, observing the angle of the face they attacked, might roughly calculate that a foot on each side might be added, thus reaching the nine feet." Mr. Brewer tells me that the breadth of a wall was increased, not by any slope of the face, which was always vertical, but by stages successively broadening like steps, and set one upon another.

¹ P. III.

² P. 70.

There appears, indeed, to be no doubt that the "cellar" was accessible in other ways than through the door of which Faukes or Percy kept the key. This is shown by the account of the arrest of the former, prepared by Salisbury on the 6th of November, for Sir Thomas Parry.¹ According to this, Sir Thomas Knyvet, who had been sent, on the night of November 4th, "to make search about that place, and to appoint a watch in the old Palace, to observe what persons might resort thereabouts," in pursuit of this duty, "about midnight going by change into the vault by another door, found the fellow."

I very much regret that in my book the word "change" should have been wrongly printed "chance." The former is undoubtedly the correct reading, and I so transcribed it. I am, however, unable to see that the mistake is of such importance as Mr. Gardiner thinks.

If [he writes],² the word "chance" had been found in the real letter, it could hardly be interpreted otherwise than to imply a negative of the other visit [of the Lord Chamberlain] said to have been followed by a resolve on the King's part to search farther. As the word stands, it may be accepted as evidence that an earlier visit had taken place. How could Knyvet go "by change" into the vault by another door, unless he or someone else had gone in earlier by some other approach?

As the letter to Parry makes no mention at all of the Lord Chamberlain's earlier visit, it seems that the phrase "by change" is somewhat overloaded with meaning, like Burghley's shake of the head, if we accept it as evidence that such a visit had been paid, and had been paid through a door different from that by which Knyvet entered when he found Faukes. The natural interpretation appears to be, that Knyvet in the course of his perambulations, opened a door which he had not previously tried, and that this was not the one used by the plotters. All this, however, is quite beside the mark. The important point is that there *was* "another door," through which admittance to

¹ Mr. Gardiner appears to imply (p. 127), that the authority of this document is impaired by the fact that we have it only in a draft, that there is no proof of its having ever been despatched in this form, that it is quite inartistic, and that it may have been altered so as to agree with the letter subsequently sent to the other ambassadors, which gives quite a different account of Faukes' arrest. If this were so, I cannot see what it can be supposed to prove. The question is not about the form in which the account was ultimately sent, but about that in which it was originally written.

² P. 129.

the "cellar" could be obtained, without the assistance of the conspirator in charge.

Another question regarding the "cellar," is raised by Thomas Winter's published confession. He tells us that the powder barrels, when finally deposited there, were covered with a large amount of firewood, a thousand billets and five hundred faggots,¹ "because we might have the house free to suffer any one to enter that would." From this I have argued, that the "cellar" was by no means a private place, nor well calculated for the concealment of a powder magazine.

Mr. Gardiner altogether denies the correctness of my inference.

The extraordinary thing [he writes] is that Father Gerard does not see that his quotation from Winter is fatal to his argument. . . . The cellar was not part of the house: and, although the words are not entirely free from ambiguity, the more reasonable interpretation is that Fawkes disposed of the powder in the cellar, in order that visitors might be freely admitted into the house.

I must confess my blindness to be as extraordinary as ever. The powder was placed in the "cellar," not to leave the house free for visitors, but because it was wanted in the cellar to blow up the chamber above, and the place had been taken on purpose to receive it. And, as the cellar was not part of the house, why should the barrels in the former be carefully hidden, in order that people might be admitted to the latter? Had the barrels been left exposed in the "cellar" and labelled "Gunpowder," no one who restricted his visits to the house would have been any the wiser.

(iii.) Various problems connect themselves with the gunpowder said to have been provided by the confederates and stored in the "cellar,"—and first as to its amount. This I have estimated at about four tons, and have argued that it is hard to understand how half a dozen individuals, known as dangerous and turbulent men, could have obtained such a quantity, and conveyed it beneath the Peers' Chamber without exciting observation and suspicion; likewise, how after the discovery it can altogether have disappeared, no further mention of it being found.

Mr. Gardiner replies, with a writer in the *Edinburgh Review*,²

¹ Gideon Gibbins, a porter, gave evidence that he with two others brought in 3,000 billets. (*Dom. James I.* xvi. 14.)

² January, 1897.

that my estimate is much exaggerated; that, apart from hearsay reports, I based my computation upon the weight of a barrel of powder, which I have taken to be four times what it really was: that the proper figure is probably about a ton and a half; and that this agrees well with the cost of the powder as estimated by Sir Edward Coke.¹

But it was not by any computation that I arrived at my estimate, which is supplied by the explicit testimony of John Barclay, in his *Conspiratio Anglicana*, testimony which it seems somewhat arbitrary to dismiss as "hearsay." The writer² was a Court favourite, who must have heard the most authoritative version of the story, and wrote his account of the discovery, as we are expressly told, within a month of its occurrence—*illo ipso Novembri*. Barclay states that the amount discovered in the "cellar" was nearly nine thousand pounds of the very best powder (*electissimi pulveris*).

I do not, however, wish to deny that there appears to be considerable force in the Edinburgh Reviewer's arguments, and that the quantity may have been a good deal less than Barclay says. But even a ton and a half of gunpowder is a tolerably large amount and the difficulties above indicated will not entirely disappear should such an estimate be adopted. Moreover, I do not think it a conclusive argument that the proper weight of a barrel of gunpowder was 100 lbs. This was doubtless true of orthodox or regulation barrels, as used officially, but the conspirators evidently employed whatever casks they could obtain, it being particularly stated that there were two hogsheads amongst them—the indictment drawn against them says four. I am told by military experts that a cubic foot of Jacobean powder weighed about 37 lbs., and, supposing ordinary barrels to have been used, the sum total for thirty-six would thus be almost three tons.

(iv.) The conduct of the Government in regard of the powder, as I have pointed out, is very inexplicable and seems to indicate that from some reason or other they were not greatly afraid of it. Salisbury himself acknowledges, in his letter to the Ambassadors, that he divined its presence under the House of Lords, ten days before he did anything to prevent the catastrophe it might occasion, and such apathy, which may

¹ P. 112.

² The "Joannes Barclaius" of King James in the *Fortunes of Nigel*, and author of the *Argenis*.

suggest various interpretations, is at least scarcely consistent with the idea that he was surprised by an imminent peril of which he had known nothing. Mr. Gardiner attempts to get rid of the difficulty by a most extraordinary piece of argument.¹

No doubt [he says] there was a danger of gunpowder exploding and blowing up, not only the empty House of Lords, but a good many innocent people as well; but there had been no explosion as yet, and the powder was in the custody of men whose interest it was that there should be no explosion before the 5th.

But if the gunpowder had previously exploded, there would have been nothing further to fear from it; it was precisely because it had not yet gone off that there was danger of its doing so. The plea advanced is like saying that a man is unlikely to die because he never died before. And if the Government did what they say they did, sending the Lord Chamberlain down on the afternoon of the 4th, to look into the "cellar," it was only the dogged fatuity of Faukes which prevented a terrible calamity. On hearing of the Chamberlain's visit, we are told, Percy and others at once fled, understanding that the game was up. Had Guy imitated them, first putting a match to his touchwood, he would have consulted the best interests of himself and his comrades, for their enemies would have had quite enough to occupy them in London, without organizing searches and pursuits. If there were all the powder in the cellar which there is said to have been, and if it were in a condition to blow up, an amount of confusion must have inevitably been created, under cover of which a small number of obscure individuals, of whose doings, we are told, the Government knew nothing, might surely have got away unnoticed. Mr. Gardiner seems to think that the results of the explosion would not have been very extensive, declaring that "Smith's wildly improbable view,² that the shock might have 'levelled and destroyed all London and Westminster like an earthquake,' can hardly be taken seriously." But Smith was not wholly unwarranted by high contemporary authority, which certainly was meant to be taken very seriously indeed. Preaching at Paul's Cross on the Sunday after the discovery (November 10), Barlow, Bishop of Rochester—having, as we are particularly informed, been coached in his subject the previous evening by no less a personage than the Secretary of State—spoke as follows :

¹ P. 126.

² *Antiquities of Westminster*, p. 41.

By the report of military men, his [Faukes'] provision was so large, that if fire had been given, besides the place itself at which he aimed, the Hall of Judgment, the Courts of Records, the Collegiate Church, the city of Westminster, yea, Whitehall, the King's house, had been trushed and overthrown, such heaps he had laid in of billets, faggots, huge stones, iron crows, pick-axes, great hammer-heads, besides so many barrels of gunpowder, five-and-thirty in number small and great, as I am credibly informed.¹

These last words remind us that, like the mine, the gunpowder stored in the "cellar" must have been singularly hard to see. Saving the conspirators who mention it in their depositions, no witness speaks as if he had himself set eyes upon it, but we are always referred to some one else. Combined with the placid manner in which it was treated in high quarters, this cannot but suggest a doubt to those sceptically inclined, as to whether there was not some mystery about this essential element in the story of the Plot, which, could it be penetrated, might very seriously modify our notions on the subject. Although Mr. Gardiner has not deemed them worthy of notice, various other circumstances connected with the powder upon which I remarked, seem to corroborate such a suspicion. It is undoubtedly very strange that while every trivial detail concerning the doing of the plotters was minutely scrutinized, no question should ever have been asked as to whence they obtained the gunpowder, or who sold it to them: that no word should be recorded as to its removal, or what afterwards became of it: that on the 5th of November, within a few hours of the discovery, the House of Lords should calmly have met above the "cellar," from which it is hard to suppose that the powder can already have been removed; finally, that for more than

¹ It is a very curious circumstance, that in a preface of "The Preacher's friend to the Reader," prefixed to this sermon when published, it was thought necessary to contradict the idea that Barlow when appointed to preach upon this day, had known that the Plot would be his topic.

"If thou thinkest [we read] the Preacher of this Sermon was upon purpose appointed to relate the discovery of this late Tragi-comical treason, . . . thou art deceived. . . . As I heard the Preacher himself frankly confess, that unless the King's Majesty his most excellent speech, with the right honourable L. Chancellor his grave oration (both of them in the Parliament house the day before), and divers circumstances sensibly conceived and imparted to him overnight by the E. of Salisbury, his Majesty's principal Secretary, had not succoured him, he had failed even in that slender performance, which was then offered to the ear, and here is presented to the view."

Barlow makes no mention of the mine, but speaks of the "cellar" as though it were below ground, which we know it was not, saying that the explosion was to have been "under the earth, out of a cave, as kindled and sent from the infernal pit."

seventy years this "cellar" should have continued to be let out to tenants, no precautions being taken to prevent them using it for another plot. All this agrees well with the supposition that the King's Ministers had been behind the scenes, and had in some manner assured themselves that no accidents would happen, but how shall it be reconciled with the dismay and alarm which they so vehemently professed?

V.

The warning letter received by Lord Monteagle, and by him taken to the Earl of Salisbury, was, as we are assured, the only means by which the Government obtained an inkling of impending danger. Concerning it I have little to add to what I have previously said. Professor Gardiner admits that this famous missive was probably a trick, a little comedy contrived for the purpose of explaining Monteagle's possession of the information which he so fortunately imparted; but he holds that the game was played by Monteagle, not with Salisbury, but with Tresham, his brother-in-law, a faint-hearted conspirator, who desired to find means of frustrating the scheme of his more resolute associates. No doubt, if Tresham wrote the letter, as is generally supposed, he must have taken a hand in the game, but authorities such as Mr. Jardine and Professor Brewer have expressed their conviction that greater people than Tresham were likewise partners. This opinion I share, and I find it impossible to read the account given in official documents of Monteagle's interview with Salisbury, without concluding that Monteagle's comedy was not acted with Tresham alone. The brace of lords are represented as strenuously protesting that neither supposed the letter to mean anything; and at the same time as exchanging elaborate speeches implying that it was of the highest importance: Salisbury avowing the high opinion he had always entertained of Monteagle's loyalty and sense of duty, which his present action did not belie; and Monteagle imploring that excess of solicitude for his Majesty's safety should not be reckoned as a fault, because it had urged him at once to hand over so mysterious a communication.¹

The principal argument relied on by Mr. Gardiner,² to disprove Salisbury's share in the comedy, is the same which he

¹ See especially the Relation of the discovery prepared by Salisbury for the Privy Council. (*G. P. B.* 129.)

² *P.* 124.

advanced when treating this subject in his classical History.¹ Is it to be supposed, he asks, that the Secretary should have contrived such a scheme, on purpose, as it would seem, to let the conspirators slip through his fingers, as, with the exception of Faukes, they did, getting away from London to make trouble in the provinces?

I have already expressed my opinion as to the futility of endeavouring to fathom the motives of such a statesman. In the present instance one thing is perfectly clear; if the majority of the conspirators escaped for the moment, to raise the standard of revolt, and draw others into trouble, this resulted not from the receipt of the letter, but from Salisbury's action, or want of action, when he was avowedly in possession of the information it conveyed. For ten days, by his own testimony, he was assured that a store of gunpowder was lying under the Parliament House; yet during all this time he did nothing, not even attempting to ascertain what suspicious characters resorted thereabouts. When at the last moment he began to move, he did the very thing best calculated to scare away intending criminals, and but for the incredible foolhardiness of Faukes, he too would have gone with the rest; the Lord Chamberlain being sent officially to "peruse the cellar," to make remarks upon the extraordinary quantity of firewood collected in it, and enquiries as to who rented it. What may have been the purpose of all this, is not easy to determine, but in view of the strange course so deliberately adopted, it can scarcely be argued that the Minister could not possibly be privy to the sending of a letter, which would have enabled him, had prompt measures been taken, to secure the object which he appears so carefully to have avoided.

For the rest, Mr. Gardiner omits all mention of various circumstances, which certainly call for notice in connection with this matter. He says nothing of the magnitude of the reward conferred on Monteagle, in the form of an annuity for life, equivalent at the lowest computation to £3,000 of our money nearly a third of which, was to be continued to his heirs for ever; nor of the extreme solicitude, as the draft of this grant testifies, to assure the public that the letter was the first "and only" means whereby the treason was discovered; nor of the extraordinary pains which were taken to conceal his name, when it occurred in any document connected with the Plot; nor, most suspicious of all, of the fact that although he always posed as a

¹ Vol. i. p. 254, note.

Catholic exceptionally zealous for the Catholic cause, and was on terms of close intimacy with the conspirators, he had expressed to King James his desire to become a Protestant, and to abandon a Church which he had learnt to despise.¹ I cannot think that these circumstances deserve no consideration whatever.

VI.

The topographical features of the House of Lords and its surroundings, important as they are for our history, are not easy to describe in detail, without running to a greater length than at present seems desirable. Neither does it appear necessary to do more than examine one or two particular points, to which Mr. Gardiner attaches importance.

It must, however, in the first place be remarked that he here executes a notable change of front. He began, it may be remembered, by finding fault with me for not restricting myself to contemporary evidence. Now, he complains that my conclusions are unsound, because they are based on the evidence of contemporaries, and that I should have gone by topographers of later date. Speaking of Mr. Brewer, to whose assistance I owe so much in this department, he says,² "Mr. Brewer has, I think, been misled by those early semi-pictorial maps,³ which though they may be relied on for larger buildings, such as the House of Lords or St. Stephen's Chapel, are very imaginative in their treatment of private houses." Accordingly, he himself prefers to follow other maps, the earliest of which was constructed eighty years after the time of which we are treating.

The first point as to which we are at issue, regards the populousness of the immediate neighbourhood, a restoration of which, drawn for me by Mr. Brewer,⁴ exhibited several buildings as situated between the House of Lords and the Thames. These, if they really existed at the time, would obviously add to the difficulty alike of keeping the mining operations secret, and of importing the gunpowder and other materials, to say nothing of shooting into the river the rubbish dug out of the mine. Mr. Gardiner appears to maintain that there was no such

¹ His letter is printed in full. *What was the Gunpowder Plot?* p. 256.

² P. 93.

³ Principally, Ralph Agas' *Civitas Londinum*, published about 1560, and John Norden's *Speculum Britannicæ*, Part i. 1593.

⁴ *What was the Gunpowder Plot?* p. 56.

number of buildings in the locality, and he strenuously denies the existence of two, which Mr. Brewer has placed on the river-bank. At the same time, the sketch which he produces as a frontispiece, shows (on the extreme left) part of a large house in the very position spoken of, and, which is more important, the earliest of his maps,¹ represents a solid block of buildings as stretching from the House of Lords to the Thames. This is more than I ever imagined, and, indeed, more than can possibly have been, but at least it indicates the map-maker's impression, that the site was anything but bare of edifices. Mr. Gardiner finds himself forced to suggest that part of what might be supposed to represent houses, in reality represents gardens. The early semi-pictorial maps are at least free from the inconvenience of leaving us in doubt upon such a point.

Without going into particulars which at present are not essential, there appears sufficient evidence that the locality was not so devoid of habitations as to do away with the difficulties I have indicated. There was certainly "Whynniard's block," in part of which were the premises rented by Percy for the purposes of the Plot: there was a baker's shop, "joining the Parliament House," in which Bates tried to find a lodging for his master, Catesby; there was a dwelling occupied by the porter, Gideon Gibbins, of which more anon. We hear, moreover,² of buildings, shops, booths, and the like, erected about the old Palace of Westminster, till they became a nuisance,³ and of land by the Thames recently waste and now in part built upon.⁴

More interesting is the question as to the nature of the house which served the conspirators as a base of operations. We know that one was taken in the name of Percy, which

¹ 1685, *What Gunpowder Plot was*, p. 81.

² Land Record Office, Hill, iv. 261.

³ *Ibid.* 264.

⁴ Mr. Gardiner attaches great importance to a piece of waste land sold to Whynniard, Percy's landlord, in July, 1600, upon which he fixes as the site of the garden of which the conspirators had the use. This identification appears to me too purely conjectural to invite discussion, but in the extract defining its situation, which he quotes from the deed of transfer, Mr. Gardiner, to the detriment of his own argument, has inadvertently omitted one line of the original document, making the description unintelligible. The following is the passage, the portion placed between brackets being that omitted.

"That other piece of waste land lying there right against the said piece, and lyeth and is without the said stone wall, that is to say, between the said passage or entry of the said Parliament House on the [south part and a certain other sluice coming from the said Parliament House on the] north part," &c. (*Middlesex Enrolments*, 29 (5), 104. Land Record Office.)

formed part of the premises belonging to Whynniard, the keeper of the King's wardrobe. From this house the mine was started : in it the greater part of the powder was temporarily stored ; and from it Guy Faukes had access to the cellar, to make his arrangements for the projected explosion.

There is, however, this difficulty. The house was clearly public property, and liable to be required for official purposes. After obtaining their lease, Percy and his friends were kept out of possession, apparently for several months, because their house was wanted for the sittings of a commission appointed to discuss the proposed union with Scotland. Nor was this all. While the conspirators' apartments might apparently be requisitioned at any time for the public service, there were occasions when they would necessarily be so, and that precisely when they were most urgently required by the plotters. We are told by the contemporary Speed, that only out of Parliament-time were they let out to tenants, and that when Parliament was in session, they served as a withdrawing-room for the Peers. If Parliament met upon the 5th of November, how was Faukes to have the run of the place upon that fateful day, when preparations for the opening function and the King's advent would fill all the precincts with peers and their attendants ?

These difficulties, Mr. Gardiner contends, are entirely disposed of by the fact that Percy rented from Whynniard, not one house, but two, taking both off the hands of a Mr. Henry Ferrers, the previous tenant. A copy of the agreement remains,¹ in which it is declared that Ferrers grants to Percy, "his house in Westminster belonging to the Parliament House"—subject to Whynniard's approval—and that Percy shall "also have the other house that Gideon Gibbins dwelleth in, with an assignment of a lease from Mr. Whynniard thereof, . . . and using the now tenant well."

It is, therefore, beyond question [says Mr. Gardiner], on the evidence of this agreement, that Speed was right in connecting with Parliament a house rented by Percy. It is, however, also beyond question, on the evidence of the same agreement, that he also took a second house, of which Whynniard was to give him a lease. The inference that Percy would have been turned out of this second house when Parliament met seems, therefore, to be untenable.²

I must confess my utter inability to understand what possible bearing all this can have upon the question in hand.

¹ *G. P. B.* I.

² *P.* 86.

Supposing Percy to have not only rented, but occupied, the two houses, yet only one of them would be of any use when the time came for action, and that just the one he would be unable to use. The second house Mr. Gardiner places¹ behind the first, which he supposes to have stood between it and the House of Lords. If the premises lying alongside the "cellar" were to be full of lords and their lacqueys, they would form the most efficient barrier against any one trying to reach the powder from the other position. Speed makes it plain which house it was that suited the conspirators' designs. "To which purpose," he writes,² "no place was held fitter than a certain edifice adjoining to the walls of the Parliament House, which served for withdrawing-rooms for the assembled lords; and out of Parliament, was at the dispose of the keeper of the place, and wardrobe therewith belonging."

But, moreover, there is no evidence, nor any likelihood, that Percy ever occupied the second house at all. Ferrers, when he gave up that in which he himself dwelt, probably insisted on being relieved also of the other, which he did not occupy, but sublet to Gibbons, and he expressly stipulated that Percy should treat the latter well. That Percy did not evict Gibbons, there is strong evidence. Gibbons, or Gibbins, was the porter of whom we have already heard, as carrying into the "cellar" the billets to cover the powder-barrels. On November 5th, he was examined concerning the doings of Percy and Faukes when he told about this portorage, but said nothing of Percy's having turned him out of his abode. Moreover, his wife was the woman who "kept the house for Percy as before for Ferrers"—evidently that in which Ferrers had lived—and Faukes mentioning this circumstance, speaks of her as "one Gibbons' wife who dwells thereby,"³ whence it appears that under Percy's tenancy she continued to live at least close to the quarters she had previously occupied. Neither is there any word of evidence to indicate that Percy made use of more houses than one.

Here I will conclude. There are many other points which might be dealt with, but to prolong the discussion of such details is unnecessary for my purpose. I believe I have said enough to show, that from whatever side it is approached, the

¹ P. 81. ² *History*, p. 1231.

³ *Examination of November 5th*. Faukes says that she "had charge of the residue of the house," *i.e.*, of the house apart from the "cellar" under the House of Lords, which, as we know, was not part of the house.

subject bristles with difficulties for those who wish to vindicate the truth of the traditional story, and that these difficulties are not easily explained away. It is the note of falsity thus running through the history as generally told, more than anything else, that produced the conviction I made bold to express, that this history is a fabrication ; but I venture to think that the evidence I have produced elsewhere, enables us to bring this opinion to a more crucial test than ever before, and by so doing to establish its validity.

